

real estate heretofore or hereafter made, regardless of the method used in making such sales; ratifying Articles 7284 and 7285 of the Revised Civil Statutes of Texas, of 1925; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 179.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

HOLBROOK, Chairman.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
October 13, 1933.

The Senate met at 11:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Prayer by Mr. W. J. J. Terrell,  
Doorkeeper of the Senate.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Message From the House.

Hall of the House of Representatives.  
Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 21, Relating to amending of House Bill No. 154, which was passed at the Regular Session of the Forty-third Legislature.

With amendment.

S. C. R. No. 19, Granting the Grand Lodge of the Order of the Sons of Hermann in the State of Texas permission to sue the State.

S. C. R. No. 23, Relating to the unexpended balance of appropriation provided in Senate Bill No. 242.

S. C. R. No. 25, Allowing Buna Independent School District of Jasper County \$400.00 under the provisions of S. B. No. 242, Regular Session, 1931.

S. C. R. No. 26, Relating to payment of fees of certain county officials in examining trials.

S. C. R. No. 27, Relative to Highway through Kenedy County.

H. C. R. No. 57, Suspending Rule 11 of the Joint Rules for the purpose of considering S. B. No. 39 on final passage.

H. C. R. No. 59, Suspending Rule 11 of the Joint Rules of the House and Senate for purpose of considering on final passage H. B. No. 116.

H. C. R. No. 60, Suspending Rule No. 11 of the Joint Rules for the purpose of considering on final passage H. B. No. 176.

The House has refused to concur in Senate amendments to House Bill No. 10 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Vaughan, Camp, Hankamer, Duval and Coombes.

The House has adopted the Conference Committee Report on House Bill No. 46 by a vote of 108 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 56 by a viva voce vote.

The House has concurred in Senate amendments to H. C. R. No. 27, by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 31, by a vote of 104 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 108 by a vote of 109 yeas, 0 nays.

The House refused to concur in Senate amendments to House Bill No. 146, and has requested the appointment of a conference committee to consider the differences between the two Houses.

Dunagan, Latham, Dean, Scott, and McClain.

The House has concurred in Senate amendments to House Bill No. 35 by a vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 17, by a vote of 109 yeas, 0 nays.

The House has adopted the Conference Committee Report on House Bill No. 53 by a vote of 119 yeas, 2 nays.

The House has concurred in Senate amendments to House Bill No. 131, by a vote of 108 yeas, 10 nays.

Respectfully submitted.

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

#### Motion to Concur.

Senator Redditt moved to concur in the House amendments to S. C. R. No. 21. The motion prevailed.

#### H. C. R. No. 33.

The Chair laid before the Senate: H. C. R. No. 33, Permitting J. W. Mayes to sue the State.

The resolution was read.

Senator Parr asked unanimous consent to suspend the rule requiring resolutions to be referred before consideration.

Senator Poage raised the point of order that the 24-hour Rule was in effect and the resolution could not be considered.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that the rule did not apply to resolutions.

Objection to taking up the resolution was heard.

Senator Parr moved to suspend the rule and take up the resolution.

The roll call showed no quorum present.

Senator Woodruff moved a call of the Senate to secure and maintain a quorum until the business of the session was finished. The motion prevailed.

The motion to take up H. C. R. No. 33 prevailed by the following vote:

#### Yeas—14.

Collie.	Moore.
Cousins.	Murphy.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Woodul.

#### Nays—3.

Blackert.	Poage.
DeBerry.	

#### Present—Not Voting.

Martin.	Small.
ONeal.	Woodruff.
Rawlings.	Woodward.
Redditt.	

#### Absent.

Hopkins.	Sanderford.
Neal.	Stone.
Purl.	

#### Absent—Excused.

Beck.	Patton.
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Senator Poage sent up the following amendment:

Amend H. C. R. No. 33 by adding thereto the following paragraph:

"Be it further resolved that the venue of the suit hereby authorized is and shall be in Travis County, Texas."

POAGE.

Read and adopted.

The resolution as amended was adopted.

#### Conferences Requested.

On motion of Senator Pace, the Senate refused to concur in the House amendments to S. B. No. 78 and requested the appointment of a Free Conference Committee.

The Chair appointed the following on the part of the Senate on S. B. No. 78:

Senators Pace, Woodward, Small, Rawlings, Hopkins.

The Chair announced the appointment of the following conferees on the part of the Senate on H. B. No. 10:

Senators Woodward, Woodul, DeBerry, Martin, Oneal.

On motion of Senator Woodruff, the Senate granted the request of the House for a Free Conference Committee on H. B. No. 179.

The Chair appointed the following on the part of the Senate:

Senators Holbrook, Woodruff, Beck, Sanderford, Parr.

#### H. C. R. No. 34.

The Chair laid before the Senate: H. C. R. No. 34, Permitting B. P. Panas to sue the State.

Read and adopted.

#### H. C. R. No. 22.

The Chair laid before the Senate: H. C. R. No. 22, Permitting W. A. Morgan to sue the State.

Read and adopted.

#### Messages From the House.

Hall of the House of Representatives, Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 121, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Harman, Clayton, Riddle, Sullivan, Aikin.

The House has refused to concur in Senate amendments to H. B. No. 179 and has requested the appointment of a conference committee to consider the differences between the two Houses.

Messrs. Engelhard, Beck, Russell, Thomas, Tarwater.

The House has passed the following bills and resolutions:

H. C. R. No. 64, Suspending Rule 11 of the Joint Rules of the House and Senate for the purpose of considering until finally disposed of S. B. No. 35.

H. C. R. No. 65, Suspending Rule 11 of the Joint Rules of the House and Senate for the purpose of considering until finally disposed of S. B. No. 62.

H. C. R. No. 67, Suspending Rule 11 of the Joint Rules for the purpose of considering on final passage S. B. No. 54.

The House has concurred in Senate amendments to H. B. No. 174 by a vote of 111 yeas, 2 nays.

The House has concurred in Senate amendments to H. B. No. 194 by a vote of 114 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 84 by a vote of 105 yeas, 0 nays.

H. C. R. No. 68, Suspending Rule 11 of the Joint Rules of the House and Senate for the purpose of considering H. B. No. 149 on final passage.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Report.

Senator Cousins sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on S. B. No. 57, beg leave to submit the following report:

We have had S. B. No. 57 under consideration and recommend the adoption of the attached bill as rewritten by your Conference Committee.

Respectfully submitted,

COUSINS,  
HOLBROOK,  
WOODWARD,  
SANDERFORD,  
HOPKINS,

On the part of the Senate.

BEDFORD,  
McDOUGALD,  
McKEE,  
CELAYA,

On the part of the House.

By Cousins, et al.

S. B. No. 57.

## A BILL

## To Be Entitled

An Act authorizing navigation districts to acquire, purchase, construct, enlarge, extend, repair, maintain, operate or develop certain improvements and facilities without taxation; to secure funds for such purposes by the issuance of obligations of the district payable solely from the revenues to be derived from the improvements and facilities of such districts; to fix and collect fees and charges for the use of such improvements and facilities; to pledge to the payment of such obligations the income and revenues of such improvements and facilities and to encumber and mortgage such improvements and facilities as additional security for the payment of such obligations; providing remedies in case of default; to grant to the purchaser of such improvements and facilities at foreclosure sale a franchise and permit to operate such improvements and facilities; to enter into contracts, leases and agreements in connection with the powers granted hereby; to refund any obligations issued hereunder; making obligations issued pursuant hereto exempt from taxation; authorizing the conversion of districts organized under Section 52, Article 3 of the Constitution; prescribing all necessary details; providing that nothing contained herein shall be construed to amend, repeal or affect the laws relating to pilots and pilotage; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any navigation district heretofore organized or hereafter to be organized under any of the provisions of the Constitution or laws of the State of Texas, in addition to all other powers conferred by law is hereby given authority and shall hereafter have power in the manner hereinafter provided to acquire, purchase, construct, enlarge, extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, and facilities, lightering facilities and towing facilities, and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation

or development of the district's ports and waterways or in aid of navigation and commerce thereon.

Sec. 2. The Board of Navigation and Canal Commissioners of any district taking advantage of the provisions of this Act shall prescribe fees and charges to be collected for the use of the improvements and facilities of such district and for the use of any improvements or facilities acquired under the provisions of this Act, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said Board of Navigation and Canal Commissioners shall cause to be paid:

"(a) All expenses necessary to the operation and maintenance of said improvements and facilities. Such operating and maintenance expenses payable from current revenues shall include the cost of the acquisitions of properties and materials necessary to maintain said improvements and facilities in good condition and operate them efficiently, wages and salaries paid to the employees of the district in that connection, and such other expenses as may be necessary to the efficient operation of said improvements and facilities.

"(b) The annual or semi-annual interest upon any obligations issued hereunder and payable out of the revenues of said improvements and facilities.

"(c) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder and payable out of the revenues of said improvements and facilities."

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest; provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above sub-paragraphs (a), (b) and (c) the Board of Navigation and Canal Commissioners may pay the cost of improvements and replacements not covered by said paragraph (a) and may establish a depreciation fund.

Sec. 3. The Board of Navigation and Canal Commissioners of any such navigation district may borrow money

from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof issue the notes, warrants, certificates of indebtedness or other forms of obligation of such district payable solely out of the revenues to be derived from said improvements and facilities, for the purpose of obtaining funds to acquire, purchase, construct, enlarge, extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering facilities, towing facilities, and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation or development of the district's ports and waterways or in aid of navigation and commerce therein.

Sec. 4. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, and shall be in such denominations and shall mature serially or at one time not more than forty years from their date in such manner as may be provided by the Board of Navigation and Canal Commissioners. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas and in the discretion of the Board of Navigation and Canal Commissioners such obligations may be made redeemable at the option of said board prior to maturity at such premium or premiums as the board shall determine. Such obligations shall be signed by the Chairman and Secretary of the Board of Navigation and Canal Commissioners, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such time as

the Board of Navigation and Canal Commissioners shall determine to be expedient and necessary to the interests of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to maturity according to standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless, shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 5. Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the district, exclusive of any revenues derived from taxation or assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specified part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however, that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the Board of Navigation and Canal Commissioners may in the proceedings authorizing the issuance of such obligations provide that all of the obligations of such series or issue shall be co-equal as to lien regardless of the time of delivery.

Sec. 6. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The Board of Navigation and Canal Commissioners may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year and pursuant to its orders in the purchase of obligations for the account of which such sinking fund has been accumulated, if any of such obligations can be purchased at a price which shall seem reasonable to the Board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption, a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 7. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens and encum-

brances against said improvements and facilities and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obligations, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 8. Any resolution or order authorizing the issuance of obligations hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month, as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the Board of Navigation and Canal Commissioners shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

Sec. 9. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the Board of Navigation and Canal Commissioners, including the making and collection of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act.

Sec. 10. As additional security for the payment of any obligations issued hereunder, the Board of Navigation and Canal Commissioners may in its discretion have executed in favor of the holders of such obligations an indenture, mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and may provide in such

encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Navigation and Canal Commissioners shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder.

Sec. 11. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the Board of Navigation and Canal Commissioners, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of navigation district funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder which may remain unex-

pended after the project for which the obligations were authorized has been completed may be paid into the sinking fund for the payment of said obligations and be used only for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 12. The Board of Navigation and Canal Commissioners is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such Board shall agree to keep all the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 13. Any navigation district taking advantage of the terms of this Act, in addition to the other powers hereinabove set out, shall have general power and authority to make and enter into all contracts, leases and agreements necessary or convenient to the carrying out of any of the powers granted in this Act, which contracts, leases or agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, and any government or governmental agency, including those of the United States and the State of Texas. Any and all contracts, leases or agreements entered into pursuant hereto shall be approved by resolution of the Board of Navigation and Canal Commissioners of such district, and shall be executed by the chairman and attested by the secretary thereof.

Sec. 14. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or

other political subdivision or taxing district of the State.

Sec. 15. Any navigation district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its Board of Navigation and Canal Commissioners may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of the sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall be secured in all respects to the same extent and be payable from the same revenues as were the obligations refunded thereby.

Sec. 16. If the Board of Navigation and Canal Commissioners of any district heretofore organized under the provisions of Section 52 of Article 3 of the Constitution which has not become converted into a navigation district operating under the provisions of Section 59, Article 16 of the Constitution shall find it expedient in order to avail said district of the provisions of this Act to convert such district into a navigation district operating under the provisions of Section 59, Article 16, such conversion may be accomplished in the same manner and with like effect as provided by Section 1 of Chapter 103 of the General Acts of the First Called Session of the Forty-first Texas Legislature, 1929, as now existing or hereafter amended, except that all proceedings and hearings had in connection with such conversion shall be adopted and conducted by the Board of Navigation and Canal Commissioners of said district instead of by the Navigation Board of said district.

Sec. 17. This Act shall be construed as cumulative authority for the accomplishment of the purposes herein mentioned and is not to be construed to repeal any existing laws on the same subject matter, it being the purpose and intent hereof to create an additional and alternate method for the accomplishment of

such purposes. This Act, without reference to other statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligation or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of ports, canals and waterways, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder or acts done pursuant hereto. This Act being necessary for and intended to secure the safety, convenience and welfare of the citizens of navigation districts in the State of Texas, shall be liberally construed to effectuate the purposes hereof.

Sec. 18. No navigation district, shall, in the operation, maintenance or repair of any improvements or facilities acquired, purchased or constructed under the provisions of this Act, incur any indebtedness or assume any liability or obligation payable out of taxes; and any and all liabilities and obligations so arising shall be payable solely out of the revenues from such improvements and facilities which may be applicable thereto as herein authorized.

Sec. 19. It is expressly hereby provided that nothing in this Act contained shall be construed to amend, repeal or affect the laws relating to pilots and pilotage, their appointment and remuneration.

Sec. 20. If any paragraph, clause or provision of this Act shall be held unconstitutional the remainder hereof shall remain in full force and effect.

Sec. 21. The fact that there is now no general law available for the accomplishment of the purposes of this Act and that there is now available no law satisfactorily permitting navigation districts of the State of Texas to avail themselves of the provisions of the public works section



of the National Industrial Recovery Act creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended and that this Act shall take effect and be in force from and after the passage thereof, and said rule is so suspended, and it is so enacted.

Read and adopted by the following vote:

**Yeas—24.**

Blackert.	Pace.
Cousins.	Parr.
Duggan.	Poage.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Nays—1.**

Collie.

**Present—Not Voting.**

DeBerry.	Rawlings.
Oneal.	

**Absent.**

Purl.

**Absent—Excused.**

Beck.	Patton.
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**Conference Report.**

Senator Small sent up the following free conference committee report.

Committee Room,

Austin, Texas, Oct. 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the House of Representatives and the Senate on

S. B. No. 46, A bill to be entitled "An Act providing for the issuance of State Relief Bonds in the sum of five million, five hundred thousand (\$5,500,000.00) dollars, under Section 51-A, Article 3, of the Consti-

tution of the State of Texas; providing the terms of the bonds, creating the Texas Bond Commission, designating its membership and prescribing its duties; providing for the procedure for the sale of the bonds, and the disposition of the proceeds thereof; prohibiting borrowing in anticipation of future issuance of bonds and defining such act as high crime and misdemeanor; prohibiting the sale of the bonds to certain institutions and/or out of certain funds of State institutions; providing a method of retirement of said bonds and the interest thereon and making an appropriation therefor; providing for the destruction of issued and unsold bonds and of redeemed bonds and the transfer of any unused moneys derived from the sale of said bonds to the Texas Relief Bond Sinking Fund; providing for the appropriation of the proceeds of the sale of said bonds to the Texas Relief Commission; providing for the amendment of House Bill Number 897, Chapter 141, Acts of the Forty-third Legislature, Regular Session, creating the Texas Relief Commission for the purpose of administering Federal and/or State funds for employment, and/or relief of the unemployed, providing the Commission shall cease to exist August 26, 1935, defining the duties of the commission and providing for its membership and the appointment of a director and employees, providing for County Relief Boards, their membership, the employees of such boards, their powers and duties, making an appropriation; specifying the way and manner in which said money shall be expended, providing for rules and regulations for the handling of said funds and the powers of the Texas Relief Commission in event of failure or refusal of County Boards to administer funds in compliance with this Act; providing for the distribution of funds; providing for penalties for misappropriation of funds and/or making false statements or misrepresentations in order to procure money for relief; providing that if any section, clause or sentence is held unconstitutional, such holding shall not affect the remaining portions of the Act; prohibiting the employment of certain persons, and declaring an emergency."

Have had the same under consideration, and beg leave to submit and ask that it be adopted as Senate Bill No. 46.

Respectfully submitted,  
WOODWARD,  
RAWLINGS,  
REDDITT,  
MARTIN,  
SMALL,

On the part of the Senate.

HUGHES,  
DEVALL,  
MCGREGOR,  
CALVERT,  
MOORE,

On the part of the House.

S. B. No. 46.

A BILL  
To Be Entitled

An Act providing for the issuance of State Relief Bonds in the sum of five million, five hundred thousand (\$5,500,000.00) dollars, under Section 51-A, Article 3, of the Constitution of the State of Texas; providing the terms of the bonds, creating the Texas Bond Commission, designating its membership and prescribing its duties; providing for the procedure for the sale of the bonds, and the disposition of the proceeds thereof; prohibiting borrowing in anticipation of future issuance of bonds and defining such act as high crime and misdemeanor; prohibiting the sale of the bonds to certain institutions and/or out of certain funds of State institutions; providing a method of retirement of said bonds and the interest thereon and making an appropriation therefor; providing for the destruction of issued and unsold bonds and of redeemed bonds and the transfer of any unused moneys derived from the sale of said bonds to the Texas Relief Bond Sinking Fund; providing for the appropriation of the proceeds of the sale of said bonds to the Texas Relief Commission; providing for the amendment of House Bill Number 897, Chapter 141, Acts of the Forty-third Legislature, Regular Session, creating the Texas Relief Commission for the purpose of administering Federal and/or State funds for employment, and/or relief of the unemployed, providing the commission

shall cease to exist August 26, 1935, defining the duties of the commission and providing for its membership and the appointment of a director and employees, providing for County Relief Boards, their membership, the employees of such boards, their powers and duties, making an appropriation; specifying the way and manner in which said money shall be expended, providing for rules and regulations for the handling of said funds and the powers of the Texas Relief Commission in event of failure or refusal of County Boards to administer funds in compliance with this Act; providing for the distribution of funds; providing for penalties for misappropriation of funds and/or for making false statements or misrepresentations in order to procure money for relief; providing that if any section, clause or sentence is held unconstitutional such holding shall not affect the remaining portions of the Act; prohibiting the employment of certain persons; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In conformity with the provisions of Section 51-A, Article 3, of the Constitution of the State of Texas, the Legislature of the State of Texas hereby issues five million, five hundred thousand (\$5,500,000.00) dollars of bonds.

a. Such bonds are issued on the faith and credit of the State of Texas, but the redemption of any of such bonds or the payment of interest thereon shall be made from sources other than a tax on real property and the indebtedness as evidenced by such bonds shall never become a charge against or lien upon any property, real or personal, within this State. The bonds shall be known and designated as "Texas Relief Bonds—First Series."

b. Such bonds shall be numbered consecutively, beginning with Number One and shall be in denominations of one hundred (\$100.00) dollars each or such multiples thereof as may be determined by the Texas Bond Commission hereinafter created, aggregating, however, the sum of five million, five hundred thousand (\$5,500,000.00) dollars.

c. They shall be dated October 15, 1933, and the principal of said bonds shall mature as follows:

\$500,000.00 on October 15, 1935.  
 \$525,000.00 on October 15, 1936.  
 \$550,000.00 on October 15, 1937.  
 \$575,000.00 on October 15, 1938.  
 \$600,000.00 on October 15, 1939.  
 \$625,000.00 on October 15, 1940.  
 \$650,000.00 on October 15, 1941.  
 \$700,000.00 on October 15, 1942.  
 \$775,000.00 on October 15, 1943.

provided, however, that any amount of said bonds may be redeemed by the State, at its option, at any time on or after October 15, 1938.

d. They shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on April 15th and October 15th of each year, the first interest being due and payable on April 15, 1934.

e. The principal and interest shall be payable in lawful money of the United States upon presentation and surrender of bonds or proper coupons at the office of the Treasurer of the State of Texas at Austin, Texas.

f. They shall be exempt from taxation by the State, county, municipal or quasi-municipal corporation, or any political subdivision of the State or any county.

g. Each bond shall be signed by the Governor, attested by the Secretary of State, under the seal of the State of Texas, countersigned by the State Comptroller of Public Accounts, approved as to form by the Attorney General of Texas and registered by the State Treasurer of Texas. The facsimile signatures of the Governor, Secretary of State and the State Comptroller of Public Accounts may be lithographed on the interest coupons of said bonds.

h. The form of said bonds, which shall have interest coupons attached to them, and the printing and/or engraving of same shall be provided for by the commission and after being printed and/or engraved, signed, attested and countersigned by the proper officials, they shall be immediately deposited with the State Treasurer of Texas for registration and safekeeping. It shall be the duty of said officer to keep a record of said bonds so deposited with him in a special book procured and kept for that purpose. He shall also keep a

record of any and all bonds delivered by him to the Texas Bond Commission for sale as hereinafter provided.

Sec. 2. For the purpose of selling such bonds and of performing such other duties as may be hereinafter imposed upon it, there is hereby created an official commission for the State of Texas, to be known as the "Texas Bond Commission," to be composed of three members as follows:

The Comptroller of Public Accounts, the State Treasurer, and the Attorney General, who shall serve without additional compensation.

Immediately upon the effective date of this Act, said Commission shall meet and elect one of its members as Chairman and another as Secretary, and the Secretary shall keep the minutes of all proceedings of the Commission in a book to be kept as a public record in the archives of his office. The Commission shall meet at any and all time as may be necessary to carry out the provisions hereof and the purposes for which it was created, upon the call of the Chairman or of any two members of the Commission.

Sec. 3. The sale of Five Million, Five Hundred Thousand (\$5,500,000.00) Dollars of Texas Relief Bonds by the Texas Bond Commission is hereby authorized in the following manner:

The Texas Relief Commission, which is hereinafter provided for, shall make application to the Texas Bond Commission for the sale of such part of said Five Million, Five Hundred Thousand (\$5,500,000.00) Dollars of bonds as, in its judgment, is needed to procure State money necessary for the relief of the unemployed and needy for a period of two months, and upon the filing of said application said Texas Bond Commission, shall sell the amount of bonds so requested by the Texas Relief Commission. For further periods, upon application of the Texas Relief Commission, said Texas Bond Commission is hereby directed to sell additional bonds, but the amount sold at any one time shall not exceed the amount, which is necessary to provide State funds sufficient to care for the needy and unemployed for a period of two months. Upon the sale by the Texas Bond Commission of any portion of the Five Mil-

lion, Five Hundred Thousand (\$5,500,000.00) Dollars of Texas Relief Bonds as herein provided for, the said Bond Commission shall by order provided that the bonds shall mature over a period of nine years beginning with October 15, 1935, and in the same proportion as set out in Subsection-c of Section 2 hereof. The order of the Bond Commission fixing the maturities shall be entered upon the minutes of the Commission. In no event shall the total amount of the bonds sold under authority of this Act exceed a total face value of Five Million, Five Hundred Thousand (\$5,500,000.00) Dollars. No bond as provided for hereunder shall be sold from and after the 15th day of September, A. D. 1935. It is further provided that no officer or officers, board, commission, or any person whatsoever shall borrow from any government, or from any source, or permit advances of any amount whatsoever, for any of the purposes stated in Section 51-A, Article III of the Constitution in anticipation of the future issuance of bonds, and any such loan or advance shall be void and shall create no obligation against the State of Texas; and any officer of the State of Texas, or any officer or member of any Board or Commission of the State of Texas, participating in such attempted loan or advance shall be deemed guilty of high crimes and misdemeanors. Provided that loans and advances may be secured from the Federal Government to be paid out of the proceeds of the Five Million, Five Hundred Thousand (\$5,500,000.00) Dollars of bonds hereby issued but not out of or against any other bonds than said Five Million Five Hundred Thousand (\$5,500,000.00) Dollars of bonds.

Sec. 4. The bonds authorized to be sold by this Act shall be sold by the Texas Bond Commission at a time and place to be designated by the Bond Commission and after advertisement published in three (3) newspapers of general public circulation in the State of Texas, which publication shall be made for at least once each week for two (2) consecutive weeks prior to the day said bonds are offered for sale, the advertisements specifying date, amount and maturities of the bonds, the rate of interest and such other provisions

as the said Commission may deem proper. The sale shall be made upon sealed bids filed with the Secretary of said Bond Commission and accompanied by such earnest payment as the Bond Commission may direct, provided, however, that no bonds shall be sold for less than par and accrued interest. The said Bond Commission shall reserve the right to reject all bids, but in the event a bid is accepted, the State Treasurer, on order of the Texas Bond Commission, is directed to deliver said bonds to the purchasers when he shall have received for the credit of the State of Texas, current funds of the United States to the extent of the highest bid made for said bonds, which shall in no event be less than par and accrued interest. In event the Bond Commission rejects all bids, it shall be the duty of the Bond Commission to readvertise said bonds as above provided and again offer same for sale in the manner above provided. The Texas Bond Commission may also sell at private sale to the Reconstruction Finance Corporation or to any other governmental agency other than such agencies as are specifically prohibited from purchasing same by the provisions of this Act, the entire amount of bonds offered for sale by the Bond Commission on any particular date, or any part thereof, and it shall not be necessary as a prerequisite of its purchase of such bonds that the Reconstruction Finance Corporation or such other agency of government offering to buy said bonds shall make a sealed bid as required of persons and private concerns, and it shall not be necessary as a prerequisite of its purchase of said bonds that the Reconstruction Finance Corporation or other governmental agency file with the Bond Commission the earnest payment above referred to as required of persons and private concerns; provided, however, that the Bond Commission shall not sell to the Reconstruction Finance Corporation or other governmental agency any of said bonds at a price less than the par value thereof and accrued interest thereon. No commission, directly or indirectly, shall be allowed upon the sale of said bonds or any of them.

The funds other than accrued interest received from the sale of said

bonds shall be credited to the State Treasurer to a fund to be known as the "Relief Bond Fund." Any amounts received as accrued interest from the sale of said bonds shall be placed to the credit of a fund designated as "The Texas Relief Bond Sinking Fund." Both of said funds may be deposited in accordance with the depository laws of the State of Texas for the deposit of other State funds.

Sec. 5. No bonds sold by the Texas Bond Commission under the terms of this Act shall ever be purchased by, for, on account of, or out of the permanent fund of the University of Texas, Public Free School Fund, Highway Fund or any other fund now existing under the control of or for the use and maintenance of any institution of higher education in Texas or the public school system of this State or any eleemosynary institution of the State, or the sinking funds of any county in this State.

Sec. 6. The funds belonging to the "Relief Bond Fund" shall be disbursed by warrants drawn by the Comptroller of Public Accounts on said fund in the payment of allocations made and approved by the Texas Relief Commission, which approval shall be reflected by the minutes of the Texas Relief Commission, signed by its Chairman and attested by its Secretary, and filed with the Comptroller of Public Accounts; provided that such warrants shall be issued by the Comptroller of Public Accounts against vouchers signed by the Director or someone authorized by him in writing to sign for the Director and countersigned by the Secretary of the Texas Relief Commission or by someone authorized by him in writing to countersign said vouchers by the Secretary, in amounts not exceeding in the aggregate the amount allocated to any payee, by the Texas Relief Commission as evidenced by its minutes as signed, attested and filed as hereinbefore provided.

Sec. 7. Any and all bonds, as well as all interest thereon issued and sold under authority and direction of this Act, shall be redeemed in the following manner:

Each year after this Act becomes operative and until the bonds herein provided for have been retired, the

State Treasurer of the State of Texas as he receives any and all moneys obtained for the use and benefit of the General Revenue Fund of the State of Texas, other than any tax on real property shall annually set up a special and separate fund, in anticipation of, and sufficient to meet, all interest and maturity requirements on said bonds for the fiscal year succeeding, which said fund shall be deposited to the credit of the "Texas Relief Bond Sinking Fund." Said Texas Relief Bond Sinking Fund shall be kept by said State Treasurer as a special fund, out of which the interest of said bonds shall be paid, and out of which said bonds shall be redeemed, and the same is hereby appropriated for the purpose of paying the interest and principal of the bonds authorized by this Act, it being the intention of the Legislature to set apart and preserve an adequate fund to pay off and discharge the principal and interest of said obligation as and when the same becomes due and payable.

And there is hereby specially appropriated for the years ending August 31, 1934, and August 31, 1935, an amount for each of said years out of said "Texas Relief Bond Sinking Fund" equivalent to the amount of interest maturing on any and all outstanding bonds during each of said years, and the State Treasurer is hereby directed to make payment of said interest as it matures during each of said years upon presentation of coupons evidencing such.

Sec. 8. If on the twenty-sixth of August, A. D. 1935, all of the bonds which have been issued herein have not been sold, it shall be the duty of the State Treasurer in the presence of the other two members of the Commission to destroy by burning any unsold bonds and any interest coupons appended thereto, and after said bonds have been destroyed by burning as above provided, it shall be the duty of said members of said Commission to make a certificate in writing to the effect that said bonds were destroyed in accordance with the provisions of this law and giving the date on which said bonds were destroyed by the State Treasurer, and file said certificate in the office of the Secretary of State of Texas. As bonds mature and are paid they

shall be forthwith destroyed and report of such filed in like manner.

Sec. 9. If at the time the Texas Relief Commission has ceased to function as a body there shall remain with the State Treasurer any sums of money which have been derived from the sale of any of said bonds, it shall be the duty of said State Treasurer to transfer said money out of said special account to the Texas Relief Bond Sinking Fund.

Sec. 10. The proceeds of the sale of any and all bonds not to exceed Five Million, Five Hundred Thousand (\$5,500,000.00) Dollars under this Act sold as herein provided, during each of the years of the biennium ending August 31, 1935, are hereby appropriated to the Texas Relief Commission for the said biennium, for the purposes and subject to the restrictions as set forth in this Act. The expense for printing, lithographing and/or engraving the bonds, as well as all expense incident to the sale thereof, shall be paid out of said funds.

Sec. 11. House Bill No. 897, Chapter 141, Acts of the Forty-third Legislature, Regular Session, is hereby amended so as to hereafter read as follows:

"Section 1. For the purpose of coordinating and unifying the administration of all funds of a Federal and/or State character appropriated or otherwise made available for the employment, rehabilitation and/or relief of the unemployed, there is hereby created the Texas Relief Commission. Said Commission shall cease to exist on August 26, 1935.

"Sec. 2. It shall be the duty of the Commission to administer all funds made available to said Commission by the Federal Government, provided that the activities of the Commission shall have as their sole and exclusive objects the providing of employment and/or relief to the unemployed.

"Nothing herein shall be deemed to prevent, unless otherwise prohibited by law, any individual, corporation, association, partnership, firm, public body, municipality or other political subdivision of the State or department of the State government from borrowing from the Federal Government or any agency thereof, including, without exclusion because

of enumeration, projects made possible by the Emergency Act, public work projects, self-liquidating projects, construction of housing units to be rented at low cost, colonization projects, crop production made possible under the Emergency Relief and Reconstruction Act, or from administering any funds made available to such individual, corporation, association, partnership, firm, public, body, municipality or other political subdivision of the State or Department of the State government.

"Sec. 3. The Texas Relief Commission shall be composed of nine (9) members; the Chairman of the Industrial Accident Board and his successor in office, the President of the Texas Civil Judicial Council and his successor in office, three (3) to be appointed by the Lieutenant Governor, three (3) by the Speaker of the House of Representatives, one (1) by the Governor. The members of the present Texas Rehabilitation and Relief Commission shall perform the duties imposed upon the Texas Relief Commission herein created, until five members of the Texas Relief Commission have qualified by taking the Constitutional Oath of office, after which time, they shall have no authority or rights hereunder. The Governor and his successors in office shall be ex-officio chairman of said Commission, but shall not be entitled to a vote, except in the case of a tie vote. The remaining members of the Commission shall take the Constitutional Oath of office, provided, however, that nothing in this Act shall prevent or preclude the reappointment of any one or more of the members now constituting the membership of the present Texas Rehabilitation and Relief Commission created by the terms of House Bill No. 897, Chapter 141, Acts of the Forty-third Legislature, Regular Session; and provided, however, that in the event of the death, resignation, or removal for cause of any member of said Commission appointed by the Lieutenant Governor or the Speaker of the House of Representatives, the vacancy created thereby shall be filled by appointment by the person making the original appointment. The members of said Commission shall serve without compensation, but shall be allowed and

paid all reasonable and necessary expenses incurred in the discharge of their duties.

"At its first meeting, the Commission shall elect from its membership a Chairman pro tem., who shall preside at all meetings in the Governor's absence, and a secretary, who shall keep a record of all meetings and be responsible therefor.

"There is hereby created the position of Director of the Texas Relief Commission, and the present Director of the Texas Rehabilitation and Relief Commission, shall serve as Director of the Texas Relief Commission, unless and until removed as herein provided. He shall subscribe to the Constitutional Oath of office and shall make and execute a good and sufficient bond, payable to the Governor of the State of Texas, in the sum of Fifty Thousand (\$50,000.00) Dollars, to be approved by the Commission and the Attorney General of Texas. He shall be subject to removal by the Commission and in case of his removal, or his failure to qualify or his death or resignation, the Commission by a vote of a majority of its members shall have authority to fill such vacancy by appointment. The salary of the Director is hereby set at Four Thousand (\$4,000.00) Dollars a year.

"At its first meeting, the Commission shall also by a vote of a majority of its members appoint an Assistant Director and a Chief Auditor, whose respective salaries shall be set by the Commission at an amount not to exceed Three Thousand (\$3,000.00) Dollars per year. The Assistant Director shall take the Constitutional Oath of office and shall make and execute a good and sufficient bond payable to the Governor of the State of Texas in the sum of Twenty-five Thousand (\$25,000.00) Dollars, to be approved by the Commission and the Attorney General of Texas.

"The premium on the bonds of the Director and Assistant Director shall be paid out of the amount herein appropriated.

"Subject to the approval of the Commission, the Director shall appoint such employees, including such field agents and auditors as are necessary to carry out the provisions of this Act, at salaries not to exceed those being paid by the State of Tex-

as to employees performing similar duties in the State Departments. The employees of the present Texas Rehabilitation and Relief Commission shall continue to perform their duties until removed by the Director.

"Sec. 4. County Relief Boards are hereby created in each County. In all counties containing an incorporated city, having a population of one hundred thousand (100,000) or more inhabitants, according to the last preceding Federal census, the County Relief Board shall consist of seven members; three (3) of whom shall be appointed by the governing body of such city and four (4) by the commissioners' court of the county, with the approval of the Texas Relief Commission. In all other counties, the County Relief Board shall consist of five (5) members to be appointed by the commissioners' courts of the respective counties, with the approval of the Texas Relief Commission. At the first meeting of the County Relief Boards, the members of said Boards shall select one of their members as chairman and one as secretary. The County Relief Boards of each county may employ an administrator and such additional employees, with the approval of the Director and the Texas Relief Commission, as are necessary to carry out the provisions of this Act in accordance with such arrangement as may be made from time to time by the Commission with the Federal Emergency Relief Administration, or such other Federal Agency as may be charged with the distribution of Federal Relief Funds. The Administrator and such other employees as are appointed by the County Relief Boards shall, immediately upon appointment, enter upon the discharge of their duties and so continue until approved or rejected by the Director and/or the Texas Relief Commission. The members of the present County Boards of Welfare and Employment shall continue as members of the respective County Relief Boards, until a majority of the members of the County Relief Boards shall have been appointed and qualified by taking the Constitutional Oath of office. Immediately upon the qualification of a majority of the members of any County Board, such members shall discharge the duties of said Board pending their

approval by the Texas Relief Commission. In case of the removal, failure to qualify, resignation or death of any member of the County Board, his successor shall be appointed in the same manner as hereinabove provided.

"The salaries of the County Administrator and other employees shall be fixed by the State Director with the approval of the State Commission. If Federal funds are not available for the payment of such salaries and administrative expense, the State Commission may, in its discretion, authorize the payment of such salaries and administrative expense out of State funds, not to exceed five (5%) per cent of such State funds allocated to each county; provided, however, that the county commissioners' court shall set the salaries of the employees in counties bearing the administrative expense.

"The said commission, whenever in its judgment, it is deemed to be for the best interests of the public and for the general welfare, may remove the members of any county board or discharge any employee of any County Relief Board and the failure of the governing bodies of such county to appoint other suitable persons on such board or of the county board to employ other persons, will authorize the commission to make other appointments on said boards and to such administrative personnel.

"It shall be the duty of the County Relief Board of each county to fill such vacancies and to keep such records as may be required by the Texas Relief Commission and to conform the use of said funds to the provisions of this Act and the rules of the Texas Relief Commission and, in the event any board or body charged with the disbursements of funds under this Act fails or refuses to administer and expend any funds allocated to it in compliance with this Act and the rules of the Texas Relief Commission, or refuses to make reports as may be required by the Texas Relief Commission, the said commission may withdraw all funds from said county and withhold further advances until convinced that no further infraction of the law or rules will be committed and until any funds erroneously expended are returned to the commission. The Texas Relief Commission shall have the power to discontinue work in any county at any time when

such work in its judgment is not justified for the purpose of relieving unemployment.

"It shall be the duty of the County Relief Board to coordinate and unify all work for the distribution and disbursement of funds made available to the said Texas Relief Commission by the State or Federal Government for the employment and/or relief of the unemployed. Subject to the rules and regulations of the Texas Relief Commission, the County Relief Boards shall administer relief to the unemployed through the organization of work opportunity and/or relief. It shall be the duty of the County Relief Boards to keep a list of citizens of the county who desire to employ labor. At any time a person on the relief rolls physically able to work is offered employment at the prevailing wage scale in the locality wherein the work is to be performed, refuses to accept the same without good cause, said County Relief Board is hereby prohibited from giving further direct relief or work relief to said individual.

"The governing body of any county and/or city may by mutual agreement delegate the supervision and direction of any public welfare agency under their respective control to the County Relief Boards.

"The county administrator shall at all times keep a complete record of the disbursement of funds through his office by setting forth in said records the names and post office addresses of all individuals receiving aid. Such records shall at all times be subject to public inspection.

"Sec. 5. There is hereby appropriated out of the General Fund of the State of Texas, not otherwise appropriated the sum of Forty Thousand (\$40,000,000) Dollars, or so much thereof as is necessary to be expended during the balance of the biennium ending August 31, 1935.

"Sec. 6. It shall be the duty of the Texas Relief Commission through its chief auditor to make monthly statements duly itemized as to all moneys expended, showing to whom paid, and for what said money was expended, which statements shall be filed in the office of the Secretary of State and a copy with the State Comptroller."

Sec. 12. The funds derived from the sale of Texas Relief Bonds shall be used exclusively for the purpose of furnishing relief and work relief to



the needy and distressed people of the State of Texas, and for the purpose of relieving the hardships resulting from unemployment now existing or that may hereafter exist in the State of Texas. No person, reasonably able to perform manual labor, shall be given direct relief, unless circumstances are such as to make opportunity for work impractical, and in no event shall direct relief and/or work relief be granted to any person unless he is in necessitous circumstances.

Sec. 13. The County Relief Boards acting with the commissioners' courts of the county or with the governing body of any municipal or quasi-municipal corporations or other political subdivisions of the county are authorized to formulate plans and specifications for the construction of such lateral roads and other work projects as may be needed in said county, provided the construction of same will be feasible and practicable from the standpoint of utilizing labor by unemployed people in said county. All projects for which relief bonds are to be expended shall be submitted to and approved by the Texas Relief Commission. The application to the commission shall contain such data as is necessary to show the details of the project undertaken and shall be accompanied by plans and specifications showing the way and manner in which the work is to be performed. Before any application is approved, it shall be made to appear to the State Relief Commission that the following essential facts exist, to-wit:

1. That the project presents a practical opportunity to provide work for unemployed people of the county or subdivision making the application; and at least 95% of the funds for such project will be used for labor.

2. That the project can be constructed with local unemployed labor eligible for employment on relief projects.

3. That a needed civic improvement of a public nature will result.

4. That the project will not require the expenditure of an inequitable portion of the relief funds when compared with the needs of the whole State and the amount of money available for relief and work relief purposes.

5. That the project could not be accomplished as a Public Work Project on account of the demonstrated inability of the county, municipality

or other political subdivision concerned to finance its part of the project under the requirements of the Public Works Administration.

If a county, municipal, or quasi-municipal corporation, or other political subdivision of the county is allotted funds to be used for the construction, repair, or maintenance of lateral roads or any other public project then and in such event, said commissioners' court or the governing body of such municipality, quasi-municipality or other political subdivision of the county shall have the direct supervision and control of the expenditures of such funds, allotted to it, subject, however, to such rules and regulations as may be prescribed by the State Relief Commission, and in the expenditure of such funds, the commissioners' court or other governing body may act free from the county board in all matters except as to the employment of labor which shall be supplied by the county board. At least ninety-five per cent of the State funds granted by this section shall be used for the purpose of paying for labor of unemployed persons who are eligible for work under the provisions of this Act, and an amount not to exceed five per cent of the funds granted by this section may be used for the purchase of materials, tools and supplies; provided, however, that nothing herein shall be construed as prohibiting the use of any funds received from the U. S. Public Works Administration for the furnishing of material, tools, supplies, and for other purposes.

Sec. 14. The State Director and/or commission are hereby authorized to cooperate with other agencies and/or departments of the State government in formulating plans for other feasible work relief projects. The State Reclamation Engineer, State Water Engineers, State Forester, all State educational institutions and all other departments and agencies of the State government are hereby instructed and required to cooperate with the State Director and commission in formulating plans for work projects and it is their duty to furnish to said commission all information and data and to provide all technical reports desired concerning any matter under the control of such department, provided, however, in no event shall any of the funds derived from the sale of bonds be used for the purpose of

securing any technical reports which may be supplied by any existing department of State government; and provided further that in no event shall an amount in excess of five per cent of the funds expended on any project be used for the purchase of materials and/or equipment for such project whatever.

Sec. 15. The Texas Relief Commission is hereby authorized to use not more than one per cent (1%), or so much thereof as may be necessary, of the proceeds of the Texas Relief Bonds for the payment of hospital bills. Provided, however, that such hospital bills shall not be in excess of two dollars and fifty cents (\$2.50) per day per patient. Such hospitalization shall be authorized only in emergency cases where special attention is essential to the preservation of life and such care cannot be adequately administered in the homes of the patients or in the doctor's private offices. Provided, that no funds shall be used in counties having either county or city hospitals.

Sec. 16. The Texas Relief Commission is hereby authorized to use not to exceed one per cent (1%) or so much thereof as may be necessary, of the proceeds of the Texas Relief Bonds for the purpose of distributing food and/or clothing supplied by any agency of the Federal and/or State government, in instances where the Federal government will not bear the cost of such distribution.

Sec. 17. The Texas Relief Commission shall allocate to the several counties the sums to be received by such counties, which allocations shall be made upon applications for both work relief and direct relief, and a statement shall be made available by such commission to the press, once each month, showing the total amount of funds allocated to each county in the State. No portion of said funds shall be expended by any private or unofficial agency.

Sec. 18. All records, papers, accounts, data, books and documents belonging to the present Texas Rehabilitation and Relief Commission shall be turned over to the Texas Relief Commission immediately upon the appointment and qualification of its members, or a majority thereof, and all such records, papers, accounts, data, books and documents

shall be kept by the Texas Relief Commission, and shall become a part of the records of said Texas Relief Commission. At the expiration date of this Act, all the records of the Texas Relief Commission shall be delivered to the Secretary of State and preserved by the Secretary of State as public records.

Sec. 19. None of the funds herein appropriated nor any of the funds arising from the sale of the bonds shall be used to pay the salary of any employee of the Texas Relief Commission who is related by blood or marriage within the second degree to the head of any department of the State government or to any member of the Legislature or to any member of the Texas Relief Commission, and no person so related shall be employed by the Texas Relief Commission.

Sec. 20. Any person or persons charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the relief funds provided for in this Act, and who shall misappropriate any such relief funds or who shall knowingly make false reports concerning same or who shall by collusion or fraud with any other person wrongfully distribute the funds provided for in this Act, shall be deemed guilty of a felony and shall, upon conviction, be confined in the State Penitentiary for a term of not less than one year nor more than five years.

Sec. 21. Any person or persons who shall knowingly make any false statement or misrepresentation in order to procure any sum or sums of money provided for in this Act as relief funds, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars, or by a jail sentence of not exceeding three months, or by both such fine and jail sentence.

Sec. 22. If any section, clause or sentence in this Act should ever be held to be unconstitutional, such holding shall not affect the remaining portions of this Act.

Sec. 23. The fact that there are now in Texas thousands of citizens of this State who are unemployed, and in destitute circumstances, and the fact that no adequate means have been provided by the State of Texas for their relief, and the fact that the

people of the State of Texas have recently voted in favor of authorizing the Legislature to issue certain bonds for the relief of the destitute and necessitous people of Texas, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each house, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Conference Report.

Senator Small sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, Oct. 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two houses on House Bill No. 46,

Have had the same under consideration, and we recommend that said bill be passed in the form, substance and text as submitted herewith:

#### A BILL

##### To Be Entitled

An Act providing for the creation of Discharged Convicts Revolving Fund, amending Article 6166-M, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, providing for the payment of money into said fund by the State Treasurer out of monies remitted to him by the General Manager of the State Prison System; providing for reports of the condition of the Discharged Convicts Revolving Fund by the depositories, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6166-M, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, be amended by adding a new section to be known as 6166-M-1, to read as follows:

"6166-M-1. From and after the effective date of this Act, the State Treasurer of the State of Texas shall set aside sufficient amount of money received by him from the General Manager of the Texas Prison

System as money earned by, and belonging to the State Prison System, to be kept on deposit in Huntsville, Texas, twenty-five thousand (\$25,000.00) dollars to be known as the Discharged Convicts Revolving Fund, and the State Treasurer shall at all times keep said Discharged Convicts Revolving Fund up to the maximum amount out of funds above provided, and said funds shall be used for the prompt payment in cash to all discharged, pardoned or paroled convicts; such funds to be deposited in equal amount in the Huntsville Bank and Trust Company at Huntsville, and the First National Bank at Huntsville, and said banks shall deposit with the General Manager of the Prison System bonds and/or other securities to be approved by the Attorney General of the State of Texas, sufficient to secure said deposits."

Sec. 2. That Article 6166-m as passed by the Fortieth Legislature, 1927, be amended by a new section to be known as 6166-M-2 to read as follows:

"6166-M-2. It shall be the duty of the depositories of the Discharged Convicts Revolving Fund so long as they retain such deposit to make a weekly report to the State Treasurer of the State of Texas as to the condition of the fund on deposit in said depository."

Sec. 3. The fact that the Forty-third Legislature appropriated twenty-five thousand dollars (\$25,000.00) for Revolving Fund for the payment of discharged convicts and the further fact that the State is on a deficiency basis making payment to such convicts impossible, although they are entitled to receive their money in cash, thus leaving them in destitute circumstances, causing such convicts to commit further crimes, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three consecutive days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after the passage, and it is so enacted.

Respectfully submitted,

SMALL,

PATTON,

STONE,

WOODWARD,

On the part of the Senate.

BURNS,  
COLSON,  
JONES of Shelby,  
ROGERS of Hunt,  
DANIEL,  
On the part of the House,

Read and adopted by the following vote:

**Yeas—29.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent.**

Purl.

**Absent—Excused.**

Patton.

**H. C. R. No. 60.**

Senator Beck received unanimous consent to take up:

H. C. R. No. 60, Suspending Joint Rule 11 on H. B. No. 176.

Read and adopted.

**H. C. R. No. 30.**

The Chair laid before the Senate: H. C. R. No. 30, Permitting J. F. Bentley to sue the State.

Read and adopted.

**Recess.**

Senator Russek moved to recess until 2 o'clock p. m. The motion was lost.

Senator Moore moved to recess until 2:30 o'clock p. m. The motion prevailed and, at 12:24 o'clock p. m., the Senate recessed.

**After Recess.**

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Conference Granted.**

On motion of Senator Woodruff, the Senate granted the request of the House for a Free Conference Committee on H. B. No. 121.

**H. C. R. No. 40.**

Senator Woodul received unanimous consent to take up:

H. C. R. No. 40, Relative to amateur boxing contests.

Read and adopted.

**S. C. R. No. 28.**

Senator Moore called up from the Journal the motion to reconsider the vote by which S. C. R. No. 28 was adopted.

Senator DeBerry spread the motion on the Journal.

**H. C. R. No. 67.**

The Chair laid before the Senate: H. C. R. No. 67, Suspending Joint Rule 11 on S. B. No. 54.

Read and adopted unanimously.

**H. C. R. No. 57.**

The Chair laid before the Senate: H. C. R. No. 57, Suspending Joint Rule 11 on S. B. No. 39.

Read and adopted by the following vote:

**Yeas—18.**

Duggan.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Parr.	Woodruff.
Poage.	Woodul.
Rawlings.	Woodward.

**Nays—5.**

Beck.	Murphy.
Collie.	Purl.
DeBerry.	

**Present—Not Voting.**

Blackert.	Hopkins.
Fellbaum.	Moore.

**Absent.**

Cousins.	Pace.
Greer.	

**Absent—Excused.**

Patton.

**Conferees Appointed.**

The Chair announced the appointment of the following Senate conferees on H. B. No. 121:

Senators Woodruff, Murphy, Beck, Moore, Redditt.

**S. C. R. No. 29.**

Senator Cousins sent up the following resolution:

Whereas, Senate Bill No. 100 is now before the House; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That Section 11 of the joint rules relative to the twenty-four hour rule be, and the same is hereby, suspended so as to allow the House to take up and consider Senate Bill No. 100 until finally disposed of.

**COUSINS.**

Read and adopted unanimously.

**H. C. R. No. 64.**

The Chair laid before the Senate: H. C. R. No. 64, Suspending Joint Rule 11 on S. B. No. 35.

Read and adopted unanimously.

**Messages From the House.**

Hall of the House of Representatives, Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 61, Suspending Rule 11 of the Joint Rules of the House and Senate for the purpose of taking up for consideration and final passage S. B. No. 65.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 112 and requests the appointment of a Conference Committee to adjust the differences between the two houses. The following are appointed on the part of the House:

Messrs. Sullivant, Alexander, Harris, Wood, Rollins.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions.

H. C. R. No. 71, Suspending Rule 11 of the Joint Rules of the House and Senate for the purpose of considering and passing finally H. B. No. 120.

H. C. R. No. 72, Suspending Rule 11 of the Joint Rules of the House and Senate for the purpose of considering and passing finally S. B. No. 75.

H. C. R. No. 36, With reference to the matron on the Goree State Prison Farm.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Hon. Fred Watson Speaks.**

On motion of Senator Hopkins, Hon. Fred Watson, Arkansas Commissioner of Revenue, was granted the privileges of the floor and invited to address the Senate.

Mr. Watson spoke as follows:  
Mr. President, Gentlemen and Friends:

It is indeed a pleasure to address you at this time for a few moments as a representative from the State of Arkansas. I represent the State Revenue Department as Commissioner of the State of Arkansas at a conference within your capital city.

As a legislative body, which enacts the laws under which your officers collect the excise taxes in your State, I wish to express to you that they should at all times receive at your hands the hearty cooperation of your legislative body.

Taxes are imposed and collected under the supervision of your body. They should at all times be equitable and correct.

We have submitted our laws, rules and regulations under which the excise taxes in our state are collected and hope that these laws, rules and regulations may be of some benefit in the collection of these excise taxes from time to time

in the departments of state here assembled.

I wish to express to you my profound appreciation of appearing before your august body at this time and thank you heartily for this consideration.

### S. C. R. No. 30.

Senator Woodul sent up the following resolution:

Whereas, S. B. No. 49 is a bill of great public importance and has passed to a third reading in the House, and there is an emergency demanding the enactment of this measure at this time; now, therefore, be it

Resolved by the Senate, the House concurring, That Rule No. 11 of the Joint Rules be, and it is hereby suspended.

WOODUL.

Read and adopted.

### Free Conference Report.

Senator Small called up the Free Conference Committee report on S. B. No. 46.

Senator Woodruff moved to adopt the report. The motion prevailed by the following vote:

### Yeas—26.

Beck.	Pace.
Collie.	Parr.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

### Nays—3.

DeBerry.	Sanderford.
Moore.	

### Absent.

Blackert.  
Absent—Excused.  
Patton.

### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 161 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Harman, Townsend, Laird, Palmer, and Hoskins.

The House has refused to concur in Senate amendments to H. B. No. 199 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on the part of the House:

Wagstaff, Stanfield, Lindsey, Jones of Runnels, and Ratliff.

The House has adopted the Conference Committee report on S. B. No. 57 by a vote of 109 yeas and 4 nays.

The House has refused to concur in Senate amendments to H. B. No. 88 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on the part of the House:

Barron, Adamson, Van Zandt, Latham, and Hyder.

The House has concurred in Senate amendments to H. B. No. 23 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 26 by a vote of 120 yeas, 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### Conferences Requested.

On motion of Senator Pace, the Senate granted the request of the House for a Free Conference Committee on H. B. No. 146.

On motion of Senator Neal, the Senate granted the request of the House for a Free Conference Committee on H. B. No. 88.

### Personal Privilege.

Senator Purl addressed the Senate on a point of personal privilege relative to the sub-committee handling the relief bond bill.

### H. C. R. No. 36.

The Chair laid before the Senate: H. C. R. No. 36, Relative to matron of Goree Prison Farm.

Read and adopted.

**H. C. R. No. 61.**

The Chair laid before the Senate:  
H. C. R. No. 61, Suspending Joint  
Rule No. 11 on S. B. No. 65.

Read and adopted unanimously.

**H. C. R. No. 68.**

The Chair laid before the Senate:  
H. C. R. No. 68, Suspending Joint  
Rule 11 on H. B. No. 149.

Read and lost by the following  
vote:

Yeas—9.

Martin.	Rawlings.
Moore.	Sanderford.
Neal.	Stone.
Parr.	Woodward.
Purl.	

Nays—14.

Beck.	Oneal.
Collie.	Pace.
Fellbaum.	Poage.
Greer.	Redditt.
Hopkins.	Russek.
Hornsby.	Woodruff.
Murphy.	Woodul.

Present—Not Voting.

DeBerry. Regan.

Absent.

Blackert.	Holbrook.
Cousins.	Small.
Duggan.	

Absent—Excused.

Patton.

**Conferees Appointed.**

The Chair announced the appointment of the following Senate conferees:

Senate Conference Committee on  
H. B. No. 146:

Senators Pace, Hornsby, Woodul,  
Collie, Beck.

Senate Conference Committee on  
H. B. No. 88:

Senators Woodruff, Beck, Collie,  
Murphy, Neal.

**S. C. R. No. 31.**

Senator Purl sent up the following resolution:

Be it Resolved by the Senate, the  
House of Representatives concurring,  
That Section 11 of the joint rules  
relative to the twenty-four hour rule

be, and is hereby, suspended, so as  
to allow the House of Representa-  
tives to take up and consider S. B.  
No. 73 until finally disposed of.

PURL.

Read and adopted by the follow-  
ing vote:

Yeas—26.

Beck.	Neal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Murphy.	

Nays—1.

Poage.

Present—Not Voting.

Oneal. Sanderford.

Absent—Excused.

Patton.

**Bill Signed.**

The Chair, Lieutenant Governor  
Edgar E. Witt, gave notice of sign-  
ing, and did sign, in the presence of  
the Senate, after its caption had  
been read, the following bill:

H. B. No. 55.

**Conference Granted.**

On motion of Senator Collie, the  
Senate granted the request of the  
Senate for a Free Conference Com-  
mittee on H. B. No. 199.

The Chair appointed the following  
on the part of the Senate:

Senators Collie, Sanderford, Pace,  
Small, Beck.

On motion of Senator Redditt, the  
Senate granted the request of the  
House for a Free Conference Com-  
mittee on H. B. No. 161.

The Chair appointed the follow-  
ing on the part of the Senate:

Senators Small, Sanderford, Re-  
gan, Collie, Duggan.

**H. C. R. No. 31.**

The Chair laid before the Senate:  
H. C. R. No. 31, Granting Walter Strickland permission to sue the State.

Read and adopted.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that on October 6, 1933, the House has adopted the Conference Committee report on H. B. No. 15 by a vote of 80 yeas, 32 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Free Conference Report.**

Senator Redditt sent up the following Free Conference Committee report:

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 54, have had the same under consideration and beg leave to report that we recommend that said bill do pass in form and substance as submitted herewith:

REDDITT,  
PACE,  
PURL,

On the part of the Senate.

HARMAN,  
METCALFE,  
LOVE,  
WALKER,  
WOOD,

On the part of the House.

**H. B. No. 54.****A BILL****To Be Entitled**

An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032

to the Railroad Commission of Texas for the enforcement of the oil and gas laws of this State; authorizing the Railroad Commission to employ such other help, whether executive, expert, clerical or in the fields, and to incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the commission promulgated pursuant thereto; amending the appropriation for Oil and Gas Division of the Railroad Commission as contained in H. B. No. 167, Chapter 166, General Laws of Texas, Forty-third Legislature, Regular Session 1933, page 497; amending Section 5, Chapter 26, Acts Forty-second Legislature, First Called Session; levying a tax of 1-8 of 1c per barrel of forty-two standard gallons of crude petroleum produced within this State; further amending provisions of H. B. No. 167, Chapter 166 of the Regular Session of the Forty-third Legislature in 1933, providing qualifications of employees; and regulating expenses and receipts of same; and further authorizing additional employees to be paid out of said tax after payment of all amounts appropriated in the General Appropriation bill for the support of the Oil and Gas Division, fixing their salaries and limiting their number; providing that if any portion of this Act be held unconstitutional it shall not affect the remaining sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts Forty-third Legislature, is hereby amended so that the same shall hereafter read as follows:

"Article 6032. There is hereby levied a tax of one-eighth of one cent per barrel of forty-two standard gallons of crude petroleum produced within this State, which shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus



collected shall be paid into the State Treasury as other revenues and shall be paid out on warrants as other funds. The funds derived from this tax shall be used for the administration of the conservation laws of this State relating to oil and gas and such funds are hereby appropriated to the use of the Oil and Gas Division of the Railroad Commission of Texas.

Sec. 2. It is hereby expressly declared to be the intent of the Legislature that the funds appropriated to the Oil and Gas Division of the Railroad Commission of Texas by the General Appropriation Act of the Forty-third Legislature, being Chapter 166 of the Acts of that Legislature shall be paid out of the funds derived from the tax levied by this Article, if such funds are sufficient, and otherwise out of the General Revenue. In the event that there is an excess of the tax over and above the amount of money appropriated to said Oil and Gas Division of the Railroad Commission of Texas, the Railroad Commission, as specifically provided herein, is empowered to spend said excess in performing its duties in carrying into effect the conservation laws of this State relating to oil and gas.

Sec. 3. The Railroad Commission of Texas is hereby authorized and directed, in addition to the employees specifically provided for by the General Appropriation Act of the Regular Session of the Forty-third Legislature for the Oil and Gas Division of the said commission, to employ not to exceed the following personnel: Not to exceed nineteen (19) chief guagers at a salary of not exceeding \$1,380.00 per year each; not to exceed twenty (20) inspectors and investigators at a salary of not exceeding \$1,900.00 per year each; not to exceed six (6) bookkeepers at a salary of not exceeding \$1,380.00 per year each; not to exceed six (6) stenographers at a salary not exceeding \$1,200.00 per year each; not to exceed eight (8) statistical and filing clerks at a salary of not exceeding \$1,320.00 per year each; not to exceed two (2) deputy supervisors at a salary of not exceeding \$2,400.00 per year each; not to exceed one (1) law enforcement investigator at a salary of not exceeding \$2,400.00 per year. It is expressly provided that these additional positions are authorized only in the event that the funds provided for herein are sufficient to provide for such additional employees out of

said funds after providing for the payment of those employees authorized for the Oil and Gas Division in the General Appropriation bill, and none of the additional employees as set out herein are to be paid out of the General Revenue of the State.

Sec. 4. Any surplus remaining at the end of the present fiscal biennium in the funds derived from said tax over and above the amount expended by the Railroad Commission in carrying out its duties in connection with the oil and gas laws of this State shall become a part of the General Revenue of the State.

Sec. 5. That Section 5, Chapter 26, Acts Forty-second Legislature, First Called Session, be and the same is hereby amended so that it shall hereafter read as follows:

"Sec. 5. The commission shall have the power and it shall be its duty from time to time to inquire into the production, storage, transportation, measurement or refining of crude petroleum oil and of natural gas, in order to determine whether or not waste exists or whether the conservation laws of Texas or the orders of the Railroad Commission are being violated. The commission shall have the right to require any producer, storer, transporter and refiner of crude oil or of natural gas to keep such accurate records and to make and file with the commission sworn statements or reports as to facts within the knowledge or possession of such persons or companies pertaining to the production, storage, transportation, measurement or refining of crude petroleum oil or natural gas, and may require any well, tank or storage or gathering line under the control of any such person or company to be inspected, or gauged or equipped with meter or measuring device whenever and as often and for such periods as the commission may specify; and the commission and its agents may likewise examine the books and records of any such person or company. The commission shall also have the power to require any refiner of crude oil to equip the pipe line or lines leading into the plant of such refiner through which crude oil is transported to such plants with meter or measuring device satisfactory to the commission and such refiner is hereby required to keep such meter or measuring device in good working order, to operate the same as may be directed by the commission

and to make reports of the measurement of oil by such meter in the manner and form required by the commission."

Sec. 6. It is hereby provided that none of the moneys herein appropriated shall be used to employ any person who is not a citizen of the United States unless and except such person has been employed by the State for a period of six (6) months prior to the effective date of this Act. The provisions of H. B. No. 167, Chapter 166 of the Acts of the Regular Session of the Forty-third Legislature, 1933, providing the following: It is hereby provided that none of the moneys herein appropriated shall be paid to any person who is not a citizen of the United States," is hereby expressly repealed.

Sec. 6-A. The provision in H. B. No. 167, Chapter 166, General Laws of Texas, Forty-third Legislature, Regular Session, 1933, providing on page 511 the following: "It being specifically provided that the employee shall obtain receipts for all amounts expended and shall file said receipts with their expense accounts, \* \* \*" is hereby expressly repealed.

Sec. 7. It is specifically provided that the tax herein levied is hereby appropriated for the support of the Oil and Gas Division of the Railroad Commission as contained in the General Appropriation bill, which is H. B. No. 167, Chapter 166, of the Acts of the Regular Session of the Forty-third Legislature, 1933, and after the payment of the amounts appropriated therein the excess only may be used by the Railroad Commission to employ additional employees and incur additional expenses as provided for herein.

Sec. 8. If any section, subsection, sentence, clause or phrase of this Act is held for any reason to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence and clause and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 9. The fact that the Forty-third Legislature at its Regular Session inadvertently failed to appropriate the proceeds of this tax to the Oil and Gas Division of the Railroad Commission of Texas when the tax

is in fact levied for the support of such division, and the fact that the Railroad Commission at this time does not have sufficient employees to adequately enforce the conservation laws of this State with reference to oil and gas, and the fact that the Railroad Commission under court decisions does not at this time have jurisdiction over refineries, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Nays—2.**

Collie.	Murphy.
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**House Bill No. 176.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 176. A bill to be entitled "An Act making an appropriation to pay deficiencies and bills for the Adjutant General's Department out of the General Fund; authorizing payments of such claims on the taking effect of this Act, etc.; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 176 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Absent.**

Patton.

Read third time and finally passed  
by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—1.**

DeBerry.

**Conference Report.**

Senator Collie sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives:

Sirs: We your conferees, heretofore appointed to adjust the differences between the two Houses on

H. B. No. 199, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-third Legislature, Chapter 100, so as to permit the use of natural

gas for repressuring, and declaring an emergency."

Having considered the differences between the two Houses and having reached an agreement, we have agreed to report that the hereto attached completed bill is the bill which we recommend to be passed by both Houses.

We recommend the adoption of this report and the final passage by both Houses of the bill attached hereto.

Respectfully submitted,

COLLIE,  
PACE,  
BECK,  
SANDERFORD,  
SMALL,

On the part of the Senate.

WAGSTAFF,  
STANFIELD,  
LINDSEY,  
JONES of Runnels,  
RATLIFF,

On the part of the House.

H. B. No. 199.

**A BILL****To Be Entitled**

An Act amending Article 6008 of the Revised Civil Statutes of Texas, 1925, as amended by Section 2, Chapter 26, Acts of the Forty-second Legislature, First Called Session, and Section 1, Chapter 100, Acts of the Forty-third Legislature, Regular Session, prohibiting the waste of gas by escape and requiring the confinement thereof under terms and conditions of said Article; providing that gas from wells produced from a common reservoir consisting of more than three hundred thousand acres where the owner has no reasonable market available, may be utilized for purposes other than light and fuel to the extent of twenty-five (25) per cent of the open flow and that such utilization shall not constitute waste; authorizing the use of gas for the purpose of being introduced into an oil or gas bearing stratum for repressuring and for any purpose found by the Commission to be conducive to the public welfare; fixing a penalty for violation thereof and providing means for recovering such penalty; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6008 of the Revised Civil Statutes of Texas, 1925 as amended by Section 2, Chapter 26, Acts of the First Called Session, Forty-second Legislature, and Section 1, Chapter 100, Acts of the Regular Session, Forty-third Legislature, is hereby amended so that said Section 1, of Chapter 100, Acts of the Regular Session, Forty-third Legislature, shall hereafter read as follows:

"Article 6008. Any person, firm or corporation in possession as owner, lessee, agent, trustee, receiver, or manager, or any person, co-partnership, or corporation in possession of any well producing natural gas only, in order to prevent said gas from wasting by escaping, shall within ten (10) days after encountering such gas, confine said gas in said well until said gas shall be utilized for light or fuel; provided, that in all common reservoirs or pools consisting of more than three hundred thousand (300,000) acres where gas is encountered for which there is no reasonable market for light or fuel available to the owner, the same may be utilized for other purposes, including the manufacture of natural gasoline, to the extent of twenty-five per cent (25%) of the open flow of the well producing such gas, and under such circumstances, such utilization for purposes other than light and fuel shall not constitute waste; and provided further that the Commission may permit the use of gas from any well producing natural gas only for the purpose of being introduced into an oil or gas bearing stratum in order to maintain or increase the rock pressure or otherwise increase the ultimate recovery of oil or gas from such stratum and for any other purpose which under circumstances surrounding each particular case might be found by the Commission after hearing to be practical and conducive to the public welfare. Any person violating the provisions of this article shall be liable to a penalty of One Thousand Dollars (\$1,000.00) for each day such offense is committed, to be recovered with the costs of suit in a civil action instituted by the Attorney General in the name of the State of Texas in Travis County, and each day such violation continues, shall be a separate and distinct offense

for which the party in violation shall be held liable for the penalty herein provided.

Sec. 2. The fact that Chapter 100, Acts of the Forty-third Legislature, omitted by mistake the clause permitting the use of natural gas for re-pressuring, and that such use should be permitted in order to prevent waste of oil and gas, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each house, and the said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Read and adopted by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—1.**

DeBerry.

**S. C. R. No. 32.**

Senator Martin sent up the following resolution:

Whereas, H. B. No. 204 was passed by the House and has been in the Senate now for some several days; and

Whereas, The same was called up on yesterday and because of the fear of the consideration of the same defeating local bills the same was laid on the table subject to call; and

Whereas, The same is of great importance to the people interested and to Johnson County in general; therefore, be it

Resolved, That Joint Rule No. 11 be in all things suspended and that the Senate and House allow the same to be taken up and considered at this time.

**MARTIN.**

Read and lost by the following vote:

Yeas—12.

Beck.	Parr.
Fellbaum.	Rawlings.
Greer.	Russek.
Hopkins.	Sanderford.
Martin.	Stone.
Neal.	Woodul.

Nays—10.

Collie.	Murphy.
DeBerry.	Oneal.
Duggan.	Poage.
Hornsby.	Purl.
Moore.	Woodruff.

Absent.

Blackert.	Redditt.
Cousins.	Regan.
Holbrook.	Small.
Pace.	Woodward.
Patton.	

(Two-thirds vote required.)

Senator DeBerry moved to reconsider the vote by which the resolution was lost.

Senator Martin moved to table the motion. The motion to table prevailed.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, Oct. 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on S. B. No. 46 by a vote of 116 yeas, 21 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Oct. 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two houses on Senate Bill No. 78. The following are conferees on the part of the House:

Messrs. Latham, Van Zandt, Moffett, Steward, and Good.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conferees Appointed.

The Chair announced the following Senate conferees on H. B. No. 112:

Senators Murphy, Rawlings, Poage, Regan, and Woodul.

#### H. C. R. No. 52.

The Chair laid before the Senate: H. C. R. No. 52, Suspending Joint Rule No. 23 on H. B. No. 193.

Read and lost by the following vote:

Yeas—12.

Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Hopkins.	Russek.
Hornsby.	Stone.
Moore.	Woodul.

Nays—8.

Beck.	Purl.
Collie.	Rawlings.
DeBerry.	Redditt.
Poage.	Small.

Present—Not Voting.

Martin.	Woodward.
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Absent.

Blackert.	Parr.
Cousins.	Regan.
Holbrook.	Sanderford.
Murphy.	Woodruff.

Absent—Excused.

Patton.

(Two-thirds vote required.)

#### S. C. R. No. 33.

Senator Woodul sent up the following resolution:

Whereas, H. B. No. 103, by Pope of Nueces, has been passed to third reading in the Senate and is a bill of great public importance and emergency; now, therefore, be it

Resolved by the Senate, the House concurring, That Rule No. 11 of the joint rules of the two houses be and the same is hereby suspended.

WOODUL,  
PARR.

Read and lost by the following vote:

## Yeas—11.

Beck.	Neal.
Fellbaum.	Parr.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Woodul.
Moore.	

## Nays—9.

Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Regan.
Oneal.	

## Present—Not Voting.

Small.	Woodruff.
Stone.	Woodward.

## Absent.

Blackert.	Murphy.
Cousins.	Pace.
Holbrook.	Sanderford.

## Absent—Excused.

Patton.

(Two-thirds vote required.)

**Report of Committee to Select Poet Laureate of Texas.**

Senator Duggan sent up the following report of the Committee to Select a Poet Laureate of Texas.

Austin, Texas, Oct. 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your committee, appointed under the provisions of Senate Concurrent Resolution No. 82, to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be poet laureate of the State of Texas for a period of two years from such appointment and designation, have had the same under consideration and report as follows:

Twenty-five poets, residents of the State of Texas, submitted manuscripts. The committee, believing that persons better qualified could be found to judge poetry than the membership of the legislative committee, selected five outstanding poets and heads of English departments in several educational institutions in different parts of Texas to judge these manuscripts. Each poet

was requested by the committee to select the poems he or she specially desired to be considered. These selected poems were carefully copied and compared, the pages on which they were written showing no name, address, sex, or any information whatever, except a number, and mailed to the several judges.

The judges, after individually reading and studying said manuscripts submitted to them as above, mailed to this committee their respective ballots, the majority voting for the manuscripts submitted by Aline Michaelis, of Beaumont, Texas.

The committee has therefore, under the terms of Senate Concurrent Resolution No. 82, selected and designated Aline Michaelis of Beaumont, Texas, as Poet Laureate of the State of Texas for a period of two years from this date.

DUGGAN, Chairman,  
NEAL,  
JONES of Atascosa,  
WINNINGHAM.

Read and adopted.

**H. C. R. No. 71.**

The Chair laid before the Senate: H. C. R. No. 71, Suspending Joint Rule 11 on H. B. No. 120.

Read and adopted by the following vote:

## Yeas—25.

Beck.	Parr.
DeBerry.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—2.

Collie.	Poage.
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## Present—Not Voting.

Purl.

## Absent.

Cousins.

## Absent—Excused.

Blackert.

Holbrook.

**Conference Report.**

Senator Woodul sent up the following Free Conference Committee report:

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 10, beg leave to submit the following report:

We have had H. B. No. 10 under consideration and recommend the adoption of the attached bill as rewritten by your Conference Committee.

VAUGHAN,  
DUVALL,  
HANKAMER,  
COOMBES,

On the part of the House.

WOODWARD,  
WOODUL,  
DeBERRY,  
ONEAL,

On the part of the Senate.

By Vaughan, et al. H. B. No. 10.

**A BILL****To Be Entitled**

An Act providing that in all suits, actions or prosecutions under Title 126, Revised Civil Statutes of 1925, or Title 19, Penal Code of Texas, 1925, it shall be a defense for the persons, firms, corporations or associations of persons, or either one or more of them whether they occupy the position of plaintiff or defendant so sued or prosecuted, to show that they are operating within the provisions, terms and conditions, of a code legally approved by the President of the United States under the terms of the National Industrial Recovery Act; providing that nothing in this Act shall be construed or held to affect pending litigation or destroy rights of the State to recover penalties or fines from any person, firm, association of persons or corporations, nor to prohibit the State from forfeiting the charter of any domestic corporation or the license or permit of any foreign corporation to do business in this State for any acts done or committed or for any practice performed or any agreements entered into which are not

subject to the defense herein created and authorized; providing for the duration and termination of this Act; providing that any contract or agreement which would be contrary to either Title 126, Revised Civil Statutes of 1925 or Title 19, Revised Penal Code of 1925, or any part of either title as such exists at the time of the passage of this Act shall be absolutely void and not enforceable if such contract or agreement extends beyond the expiration date of this Act; providing that nothing herein shall be construed in any way to repeal or suspend Title 126, Revised Civil Statutes of 1925, or Title 19, Penal Code of Texas of 1925, or any part of either of such titles, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all suits, actions or prosecutions, civil or criminal, wherein it is alleged or charged that any act, trade practice or agreement is in violation of the provisions of either Title 126, Revised Civil Statutes of Texas of 1925, or any article under said title, or of Title 19, Penal Code of Texas, 1925, or any article under said title, it shall be a defense for the persons, firms, corporations or associations of persons, or either one or more of them whether they occupy the position of plaintiff or defendant so sued or prosecuted, to establish that at the time of the commission of such act, and at the time said trade practice or agreement was agreed upon or entered into, such act, trade practice or agreement was legally authorized under and by virtue of a code of fair competition, agreement or license affecting interstate or intrastate commerce, or both, approved by the President of the United States, under the terms of the National Industrial Recovery Act for the particular industry in which such person, firm, corporation or association of persons, or either one or more of them is engaged. Provided, however, that nothing in this Act shall be construed or held to affect, in any manner, pending litigation or to destroy any rights of the State of Texas to recover fines or penalties, civil or criminal, whether sued for or not, from any person,

firm, corporation or association of persons, or to prohibit the State from forfeiting the charter of any domestic corporation or the license or permit of any foreign corporation to do business in this State, or from enforcing any right or remedy given under Title 126, Revised Civil Statutes of 1925, or Title 19, Penal Code of 1925, for any act done or committed or for any practices performed or agreements entered into unless the same was done, performed, agreed upon or entered into after the adoption and approval by the President of a code of fair practice under the terms of the National Industrial Recovery Act authorizing and legalizing the particular act, trade practice or agreement for the particular industry in which such person, firm, corporation or association of persons is engaged.

Sec. 2. This Act shall cease to be in effect on and after June 16, 1935.

Sec. 3. If, as provided in paragraph C of Section 2, Title 1, of the National Industrial Recovery Act, the President shall by proclamation, or the Congress of the United States shall by joint resolution or bill declare that the national emergency recognized by the National Industrial Recovery Act has ended, or the National Industrial Recovery Act is finally adjudged unconstitutional then this Act shall cease to be in effect on and after the date of such proclamation or congressional declaration or judicial decree. If, however, the provisions of this section should for any reason be held to be invalid and unconstitutional, then and in such event it is again provided that this Act shall cease to be in effect on and after June 16, 1935.

Sec. 4. Any contract, trade practice or agreement of any kind or character whatsoever entered into or agreed upon, the terms of which are authorized under and by virtue of a code of fair competition, agreement or license, as provided under the National Industrial Recovery Act, but which are, or would be, contrary to either Title 126, Revised Civil Statutes of Texas, 1925, or Title 19, Penal Code of Texas, 1925, or any part of either Title as such exist at the time of the passage of this Act, shall be absolutely void and unenforceable

either in law or in equity if the performance of such contract or agreement extends beyond the expiration date of this Act, to-wit June 16, 1935, and the defense set forth in Section 1 hereof, shall not be available thereto in either civil or criminal actions or suits. If the contract, trade practice or agreement entered into or agreed upon is in violation of either Title 126 or Title 19, supra, or any part of either of said titles and is not authorized under and by virtue of a code of fair competition, agreement or license, as provided under the National Industrial Recovery Act, said contract or agreement shall be absolutely void and unenforceable from its inception.

The defense afforded by this Act shall not be available unless within thirty days after the approval by the President of any code, code agreement or the issuance of any proclamation by the President, there is filed in the office of the Attorney General at Austin, Texas, a certified copy of the code, code agreement or proclamation containing the trade agreement, trade practice and/or code agreement authorizing the particular act, trade practice or trade agreement, upon which said person relies as a defensive fact as authorized by this Act.

Sec. 5. Nothing in this Act shall be construed in any way to repeal or suspend Title 126, Revised Civil Statutes of Texas, 1925, or Title 19, Penal Code of Texas, 1925, or any part of either such titles.

Sec. 6. The fact that there now exists in this State and throughout the United States a widespread condition of unemployment and a state of unrest, and the fact that this State desires to cooperate as far as possible with the Federal Government for the preservation of the general welfare of the people, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:



## Yeas—24.

Beck.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

## Nays—5.

Collie.	Martin.
Cousins.	Moore.
DeBerry.	

## Absent—Excused.

Blackert.	Patton.
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## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Oct. 13, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolution:

H. C. R. No. 69, Suspending Rule  
11 of the Joint Rules of the House

and Senate for the purpose of taking  
up and considering until final dispo-  
sition S. B. No. 111.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

## H. C. R. No. 59.

The Chair laid before the Senate:  
H. C. R. No. 59, Suspending Joint  
Rule No. 23 on H. B. No. 116.

Read and adopted by the following  
vote:

## Yeas—28.

Beck.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Blackert.	Patton.
Holbrook.	

## Conference Report.

Senator Beck sent up the following Free Conference Committee report:

Committee Room, Austin, Texas, Oct. 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee to adjust the differences  
between the two houses on H. B. No. 179, take leave to submit the attached  
bill with the recommendation that it do pass.

Respectfully submitted,

ENGELHARD,  
RUSSELL,  
THOMAS,  
BECK,

On the part of the House.

HOLBROOK,  
BECK,  
WOODRUFF,  
PARR,

On the part of the Senate.

By Engelhard.

H. B. No. 179.

## A BILL

## To Be Entitled

An Act making appropriations to pay miscellaneous claims out of the Gen-  
eral Fund; authorizing the payment of certain sums out of the funds  
of the State Highway Department; and authorizing payment of said  
miscellaneous claims on the taking effect of this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated to pay miscellaneous claims against the State of Texas as herein enumerated.

TO BE PAID OUT OF THE GENERAL FUND.

To pay Charles C. Bassett, Independent Executor and sole legatee of the estate of George D. Flory, deceased, refund account overpayment of inheritance tax .....	\$ 1,659.63
To pay Pool Manufacturing Company of Sherman, Texas, account overpayment of franchise tax .....	552.40
To pay J. C. Hillsman estate, overpayment of taxes on land located in Matagorda County, Texas .....	55.30
To pay R. S. & J. B. Windham, overpayment of taxes on land located in Matagorda County, Texas .....	77.76
To pay Mrs. J. T. Diseker, peddler's license tax .....	15.00
To pay Mike Maltz, witness fees .....	6.00
To pay Burroughs Adding Machine Company, servicing adding machines .....	18.36
To pay Higginbotham-Bailey-Logan Company of Dallas, account overpayment of franchise tax .....	1,590.62
To pay First Texas Chemical Company of Dallas, account overpayment of franchise tax .....	321.88
To pay Texas Loan Company of El Paso, occupation tax .....	150.00
To pay Reliable Loan Company of Fort Worth, occupation tax .....	150.00
To pay Tax Collector of Houston County, Texas, taxes on State-owned prison lands located in Houston County, Texas .....	2,537.70
To pay Oliphant Motor Company of Huntsville, Texas, general auto and truck repairs .....	371.24
To pay Knappe Printing Company of Austin, Texas, account printing and supplies .....	469.60
To pay City of Brownsville, Texas, refund of gasoline tax .....	1,090.72
To pay Guy L. Payton, on Treasury Department check No. 2345 (land account) dated October 8, 1923 .....	35.20
To pay Yellow Transit Company, remission of fine account overloading truck .....	100.00
To pay J. G. Shanklin, account taxes on excess acreage assessed in Burleson County .....	300.84
To pay Jesse Garrett, account taxes on excess acreage assessed in Burleson County .....	59.23
To pay J. Earl Porter, account taxes on excess acreage assessed in Burleson County .....	65.03
To pay W. R. A. Rogers, account taxes on excess acreage assessed in Burleson County .....	159.76
To pay Mrs. Sarah Philp, account taxes on excess acreage assessed in Burleson County .....	41.39
To pay the following members of the State Board of Health for expense in attending board meeting on March 13, 1933:	
Dr. A. A. Ross .....	24.00
J. M. Howe .....	56.75
Dr. C. M. Rosser .....	56.90
J. M. Spoonts .....	91.92
Dr. J. M. Fraser .....	47.95
Dr. John W. Burns .....	55.35
To pay F. W. Woolworth Company, account overpayment of franchise tax .....	1,398.00
To pay Wrought Iron Range Company, account overpayment of franchise tax .....	5,352.00
To pay Fidelity National Bank & Trust Company, account overpayment of franchise tax .....	1,922.00
To pay Wilson & Company, account overpayment of franchise tax .....	1,407.00
To pay Willys-Overland, Inc., account overpayment of franchise tax .....	212.80

To pay Louis Werner Stave Company, account overpayment of franchise tax	2,098.35
To pay Albert Weiblen Marble & Granite Works, account overpayment of franchise tax	733.00
To pay Webb Press Company, account overpayment of franchise tax	896.00
To pay Waddell Investment Company, account overpayment of franchise tax	266.20
To pay Union Bridge & Construction Company, account overpayment of franchise tax	673.50
To pay W. E. Thomas Lumber Company, account overpayment of franchise tax	499.65
To pay Studebaker Corporation of America, account overpayment of franchise tax	465.00
To pay Standard Computing Scale Company, account overpayment of franchise tax	481.00
To pay Stedman Power & Light Company, account overpayment of franchise tax	245.50
To pay the Progressive Farmer Company account overpayment of franchise tax	388.70
To pay The Power Manufacturing Company, account overpayment of franchise tax	258.00
To pay Pittsburgh Filter & Engineering Company, account overpayment of franchise tax	582.00
To pay Pittsburgh Piping & Equipment Company, account overpayment of franchise tax	1,067.34
To pay Peters Eichler Company, account overpayment of franchise tax	71.00
To pay Ogus, Robinson & Ogus, account overpayment of franchise tax	307.60
To pay Newsom & Company, account overpayment of franchise tax	853.00
To pay The New Home Sewing Machine Company, account overpayment of franchise tax	3,280.00
To pay F. E. Newbury Electric Company, account overpayment of franchise tax	192.00
To pay Nelson Loan Company, account overpayment of franchise tax	328.35
To pay National Loan & Investment Company, account overpayment of franchise tax	3,750.50
To pay Missouri Valley Bridge & Iron Company, account overpayment of franchise tax	985.55
To pay John F. Meyers & Son, account overpayment of franchise tax	1,005.00
To pay McAlester Fuel Company, account overpayment of franchise tax	1,113.00
To pay Maxwell Investment Company, account overpayment of franchise tax	252.15
To pay Litchfield Land Company, account overpayment of franchise tax	531.65
To pay B. F. Johnson Publishing Company, account overpayment of franchise tax	5,041.00
To pay Hoffman Heater Company, account overpayment of franchise tax	356.50
To pay Hastings Industrial Company, account overpayment of franchise tax	475.00
To pay Hanlin Supply Company, account overpayment of franchise tax	672.90
To pay Gullett Gin Company, account overpayment of franchise tax	470.50
To pay B. F. Goodrich Rubber Company, account overpayment of franchise tax	1,644.33
To pay Gilsonite Construction Company, account overpayment of franchise tax	1,593.00

To pay Dodd, Mead & Company, account overpayment of franchise tax .....	240.00
To pay Deming Investment Company, account overpayment of franchise tax .....	142.40
To pay Dickinson Trust Company, account overpayment of franchise tax .....	1,327.67
To pay Delta Land & Timber Company, account overpayment of franchise tax .....	3,100.00
To pay Clinchfield Fuel Company, account overpayment of franchise tax .....	152.50
To pay Cudahy Packing Company, account overpayment of franchise tax .....	1,213.00
To pay Central Coal & Coke Company, account overpayment of franchise tax .....	8,773.00
To pay F. C. Austin Company, account overpayment of franchise tax .....	768.50
To pay B. F. Avery & Sons, account overpayment of franchise tax .....	533.00
To pay Atkinson, Mentzer & Company, account overpayment of franchise tax .....	1,218.50
To pay American Sheet Metal Works, account overpayment of franchise tax .....	248.00
To pay Delta Lumber Company, account overpayment of franchise tax .....	825.00
To pay Trussed Concrete Steel Company, account overpayment of franchise tax .....	1,613.80
To pay Gammel's Book Store, materials and supplies .....	19.00
To pay D. A. Bradshaw, sheriff's fees .....	44.00
To pay Lee Andrew Johnson, witness fees .....	8.70
To pay R. J. Flanagan, for personal services rendered the Texas Prison System as supervisor .....	916.66
To pay R. J. Brundrett, occupation tax .....	21.49
To pay Citizens National Bank of Marlin, Texas, account excess capital stock tax .....	1,794.71
To pay Mrs. Myrtle McKee, Mrs. Annie Ealey and R. H. Moore, assignee, for judgment entered in the District Court of Tarrant County, Texas, September 13, 1933 .....	412.66
To pay Shamrock Cotton Oil Company, account overpayment of franchise tax .....	60.60
To pay Madden Furniture Company of Galveston, account refund warrants dated Dec. 14, 1927, same being a refund of franchise tax (warrant lost) .....	6.15
To pay Claude H. Mills, Route 2, Box 49, Arlington, Texas, refund of overpayment of auto registration fees .....	24.96
Total .....	<b>\$75,485.40</b>

THE FOLLOWING SUMS TO BE PAID OUT OF THE FUND OF THE TEXAS HIGHWAY DEPARTMENT.

To pay G. C. Wise of Marshall, Texas, personal injury, account highway sign left on highway .....	\$ 251.29
To pay Guy Sells of Terrell, Texas, personal injury, account breaking of highway sign .....	14.00
To pay Mansel A. Smith, in trust, of Junction, Texas, account personal injury, account highway maintainer tractor turning over on him, to be paid as follows:	
Dr. Lilburn E. Standifer .....	\$245.00
Dr. H. E. Wright .....	25.00
Schreiner-Hodges Co. ....	12.50
Powell Motor Co. ....	15.00
	<b>297.50</b>
To pay G. W. Witt of Cookville, Texas, property damage, account fire caused by Highway Department .....	369.50

To pay Miss Maude Reichaw, account injury by State Highway truck .....	2,000.00
Total .....	\$ 2,932.29

Sec. 2. (a) There is hereby appropriated out of the General Revenue of the State of Texas, the sum of five hundred thousand dollars (\$500,000) not otherwise appropriated, or so much thereof as may be necessary, for the purpose of reimbursing the general fund of the counties of Texas for moneys actually expended in the eradication and extermination of cattle ticks, prior to the year 1929.

(b) In order to recover the funds so expended, it shall be necessary for the county commissioners' court of each county hereby affected, to furnish the Comptroller of Public Accounts of this State a sworn itemized statement of expenses properly and regularly incurred in the eradication of ticks, including salaries and other expenses for local inspectors, labor, and material, and other expenses incident to the construction of dipping vats, expenses incurred in the purchase and distribution of dipping materials, and all other expenses incurred by such counties. Such itemized accounts shall be signed and attested by the county judge, one county commissioner, and the county auditor, and if there be no county auditor, the county judge and the county commissioners of the county filing such claim. Such claim shall be prima facie evidence of the correctness, and same shall be allowed and paid on regular warrants by the State Treasurer and Comptroller of Public Accounts, as are other claims and accounts; provided, that such claims have been filed with the Comptroller of Public Accounts within six months after the taking effect of this Act.

(c) Said appropriation shall be apportioned among the various counties entitled thereto in proportion to the amount of money expended by each, and no claim shall be paid until all claims have been filed with the Comptroller and properly proved.

Sec. 3. The following amounts are hereby appropriated—

To pay claims arising from the destruction of stock and property by the State in the eradication of the hoof-and-mouth disease in Harris, Brazoria and Galveston Counties, Texas, as follows:

Claim No.	Name.	Amount.
1.	Shannon, W. C., Arcadia .....	\$ 125.00
2.	Holbert, C. E. ....	575.00
3.	Peterson, Axel, South Houston .....	297.00
4.	Flora, Mrs. L., Algoa .....	585.00
5.	Walker, W. L., Arcadia .....	1,620.00
6.	Thompson, Robt., Alta Loma .....	180.00
7.	Nelson, Fred .....	210.00
8.	Meadows, G. W., Arcadia .....	60.00
9.	Rommers, G. H., Algoa .....	1,655.00
10.	Hill, J. T., Arcadia .....	450.00
11.	Murdock, E. C., Arcadia .....	100.00
12.	Mackay, Henry, Algoa .....	355.00
13.	Holloway, Wm., Arcadia .....	1,050.00
14.	Sandstrom, G. A., Arcadia .....	850.00
15.	Myles, Mrs. L., Arcadia .....	798.00
16.	Shannon, T. J., Arcadia .....	650.00
17.	Moore, J. A., Arcadia .....	2,100.00
18.	Dyer, W. C., Arcadia .....	140.00
19.	Hall, W. E., Algoa .....	100.00
20.	Baty, Mrs. John, Arcadia .....	648.00
21.	Peurshot, F. S., Arcadia .....	95.00
22.	Stockwell, H. E. ....	1,800.00
23.	Cole, E. M., Alta Loma .....	400.00
24.	Dyer, W. F., Arcadia .....	400.00
25.	Jackson, Mrs. F. W., Arcadia .....	845.00
26.	French, Mrs. T. F., Arcadia .....	550.00

Claim No.	Name.	Amount.
27.	Rezek, John, Algoa	180.00
28.	Campbell, J. J., Algoa	100.00
29.	Tully, Andrew, Arcadia	100.00
30.	Flora, Paul, Algoa	2,550.00
31.	Meeks, J. C., Arcadia	1,049.00
32.	Stavely, Mrs. M. E., Arcadia	550.00
33.	Moore, Guy, Arcadia	2,200.00
34.	Cox, J. H., Arcadia	1,464.00
35.	Day, Mrs. A. E., Arcadia	75.00
36.	Kubin, Frank, Alvin	369.00
37.	Trantow, Fred, Algoa	125.00
38.	Gilbert, J. E., Arcadia	1,200.00
39.	Bishop, L. B., Arcadia	120.00
40.	Schultze, B. F., Arcadia	2,000.00
41.	Truske, Frank, Alvin	379.00
42.	Braver & Gibson, Arcadia	375.00
43.	Goddard, J. G., Algoa	200.00
44.	Youngblood, G. H., Alta Loma	702.00
45.	Schoenfeldt, Wm., Arcadia	640.00
46.	Hillerman, Chas., Arcadia	300.00
47.	Ward, Miss Jenny G., Alvin	90.00
48.	Leary, Jno. W., Arcadia	1,241.00
49.	Neschyba, Mrs. J. W., Arcadia	960.00
50.	Clutter, John, Alvin	1,650.00
51.	Dent, Mrs. M. E., Arcadia	453.00
52.	Liening, B. H., Dickinson	1,575.00
53.	Leary Bros., Arcadia	1,883.00
54.	Linkey, J. A., Arcadia	800.00
55.	Chiles, Mrs. Edgar, Arcadia	900.00
56.	McPeters, Mrs. W. M., Arcadia	940.00
57.	Travis, Mrs. J. E., Arcadia	67.00
58.	Palmo, Mrs. C., Arcadia	250.00
59.	Schock, Edwin, Alvin	2,150.00
60.	Refused.	
61.	Schmidt, G. C., Arcadia	1,423.00
62.	Thomas, C. R., Arcadia	750.00
63.	Almon, Z. M., Algoa	250.00
64.	Harris, A. W., Arcadia	1,070.00
65.	Ward, R. E., Alvin	275.00
66.	Palmer, J. A., Algoa	2,490.00
67.	Edwards, Jim, Algoa	1,105.00
68.	Keeling, H. S., Algoa	244.00
69.	Tacquard, J. M., Alvin	3,700.00
70.	Trantow, Albert, Alvin	475.00
71.	Weiting, W. O., Alvin	103.00
72.	Scruggs, T. C., Algoa	1,730.00
73.	Powers, E. A., Arcadia	750.00
74.	Chiles, Lee, Arcadia	1,370.00
75.	Franks, Evans, Arcadia	610.00
76.	Garnouch, C., Arcadia (withdrawn).	
77.	Grimes, G. A., Arcadia	315.00
78.	Orem, Mrs. A. D. Arcadia	616.00
79.	Smith, C. L., Algoa	300.00
80.	Cox, J. B., Arcadia	1,050.00
81.	Johns, C. E., Arcadia	450.00
82.	Lock, A. W., Arcadia	764.00
83.	Albright, Mrs. E. H., Arcadia	1,000.00
84.	Lilley, Mrs. B. F., Algoa	210.00
85.	Brittnacher, John, League City	1,079.00
86.	Bauscus, F. A., Arcadia	376.00
87.	Brittnacher, Joe, League City	500.00
88.	Brockman, W. H. (Admr.), Alta Loma	1,500.00
89.	Borm, Gus, Alvin	180.00

Claim No.	Name.	Amount.
90.	Schmidt, Geo., Alta Loma	480.00
91.	Syfan, Chas. N. (withdrawn).	
92.	Burne, W. D., Alta Loma	1,560.00
93.	Brittnacher, Mrs. Jake, League City	930.00
94.	Gifstad, H., Pasadena	375.00
95.	Endicot, G. E. (withdrawn).	
96.	Schuld, A. E., Arcadia	575.00
97.	Mokk, F., South Houston	2,784.00
98.	Parks, W. S., Pasadena	640.00
99.	Blackesley, W. N., Pasadena	950.00
100.	Kruska, Oscar (withdrawn).	
101.	Aaberg, J. K., Arcadia	1,325.00
102.	Hill, Mrs. M. T., Arcadia	600.00
103.	No record (withdrawn)	
104.	Tamberello, Joe, Alta Loma	600.00
105.	Pistona, Joe, Alta Loma	360.00
106.	Raitano, John, Alta Loma	1,260.00
107.	Flora, Stanley, Alcoa (refused).	
108.	Thomson, J. Q., Alvin	250.00
109.	Saunders, Dr. H. S., Arcadia	90.00
110.	Wiegand, Mrs. Nina, Dickinson	2,140.00
111.	Albert, Auck, Alcoa	550.00
112.	Hooper, L. O., Alcoa	90.00
113.	Hanna, Mrs. Chas., Alcoa	120.00
114.	Sanner, R. T., Arcadia	295.00
115.	Palmero, V. A., Arcadia	400.00
116.	Mailleux, Geo. F., Arcadia	180.00
117.	Jones, J. S., Alcoa	90.00
118.	Baty, Mrs. H. W., Arcadia	1,600.00
119.	Rymal, G. M., Sr., Alcoa	210.00
120.	Hervey, H. P., Jr., Arcadia	163.00
121.	Hodges, W. J., Arcadia	510.00
122.	Neuman, G. L., Dickinson	75.00
123.	McGee, J. T., Alcoa	450.00
124.	Lock, A. A., Arcadia	1,320.00
125.	Kemmerling, Mrs. T. J., Hitchcock	360.00
126.	Dues Bros., Dickinson	815.00
127.	Pollinard, R. E., Arcadia	150.00
128.	Riggio, Joe, Alta Loma	240.00
129.	Ginn, J. J., Alcoa	180.00
130.	Garrett, Mrs. L. B., Alcoa	180.00
131.	Franks, J. F., Arcadia	90.00
132.	Beine, Peter, Arcadia	87.00
133.	Glazener, O. B., South Houston	234.00
134.	Senger, Frank, Dickinson	180.00
135.	McClain, Mrs. Mary, Harrisburg	1,500.00
136.	Evans, C. H., Arcadia	60.00
137.	Refused.	
138.	Gammage, F. S., Genoa	1,950.00
139.	Stroughan, Mrs. M. M., South Houston	270.00
140.	Bond, Mrs. V. E., South Houston	270.00
141.	Tacquard, Arthur, Alta Loma	450.00
142.	Ford, R. G., South Houston	150.00
143.	Denham, Mrs. J., South Houston	165.00
144.	Gatton, H. C., South Houston	90.00
145.	Dodd, J. E., South Houston	90.00
146.	Anderson, J. L., South Houston	360.00
147.	Bell, R. W., South Houston	90.00
148.	Kelzer, Mrs. L. M., South Houston	90.00
149.	Surles, A. I., Alvin (withdrawn).	
150.	Grothgar, Mrs. Fred, Alta Loma	785.00
151.	Larsen, Olex, Alta Loma	265.00
152.	Birrell, Alex, La Porte	1,050.00

Claim No.	Name.	Amount.
153.	West, R. M., Arcadia .....	900.00
154.	Dean, Mrs. A. W., Arcadia .....	175.00
155.	Refused.	
156.	Baty, W. A., Arcadia .....	240.00
157.	Van Natter, C. H., South Houston .....	180.00
158.	Cadillo, C., South Houston .....	108.00
159.	Farquhar, S. E., Genoa .....	300.00
160.	Anthony, Stanley, Genoa .....	300.00
161.	Franks, B. L., Genoa .....	210.00
162.	Jones, Arthur, Genoa .....	90.00
163.	Dudley, W. H., South Houston .....	90.00
164.	Tullis, J. B., Genoa .....	300.00
165.	Preece, Arthur, South Houston .....	60.00
166.	Florida, T. H., South Houston .....	90.00
167.	Kennedy, S. W., South Houston .....	90.00
168.	McGowen, M. P., Genoa .....	120.00
169.	Brussard, W. M., South Houston .....	90.00
170.	Murray, Mrs. Jessie, South Houston .....	75.00
171.	Tullis, H. J., Genoa .....	180.00
172.	Refused.	
173.	Boehm, H. W., Genoa .....	120.00
174.	Jones, Mrs. Stella, Genoa .....	90.00
175.	Dibbern, Mrs. Sophia, South Houston .....	90.00
176.	Schlentes, Mrs. J. South Houston .....	270.00
177.	Knight, G. O., Alvin .....	900.00
178.	McWhorter, Howard, South Houston .....	90.00
179.	Crawford, C. D., Genoa .....	90.00
180.	McLawchlin, C. H., Genoa .....	60.00
181.	Alden, J. M., Genoa .....	120.00
182.	Hall, E. E., Genoa .....	240.00
183.	McGower, Mrs. Ida, Genoa .....	420.00
184.	Wingren, H. T., Genoa .....	180.00
185.	McLendon, M. D., Genoa .....	5,900.00
186.	Vawter, C. E., Genoa .....	240.00
187.	Tambrello, Jack, Alta Loma .....	900.00
188.	Shop, N., Genoa .....	1,080.00
190.	Allan, Chas. N., Genoa .....	180.00
191.	Foster, W. C., Genoa .....	360.00
193.	Davis, W. C., Genoa .....	108.00
194.	Wall, J. E., Genoa .....	180.00
195.	Burnett, G. P., Genoa .....	240.00
196.	Lambert, E. E., Genoa .....	200.00
197.	Crenshaw, E. Q., Genoa .....	450.00
198.	Sandstrom, J. A., Arcadia .....	797.64
199.	Beusch, Mrs. C. F., Pasadena .....	405.92
200.	Edming, Mrs. Mary, Pasadena .....	243.00
201.	Endicott, J. A., Pasadena .....	416.00
202.	Kruze, Oscar, Pasadena .....	970.94
203.	Garnuch, S., Pasadena .....	793.12
204.	Syfan, Chas. E., Pasadena .....	1,931.80
205.	Williams, B. P., Pasadena .....	225.00
206.	Pomeroy, Mrs. A. L., Pasadena .....	50.00

Sec. 4. That the Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms or corporations named hereinabove in the amount set opposite their respective names and shall mail or deliver to each of said persons, firms or corporations at their said respective addresses warrant or warrants in payment of said claim or claims, and said persons, firms or corporations shall duly receipt the Comptroller for said warrant or warrants for payment of said claim or claims.



Read and adopted by the following vote:

Yeas—18.

Beck.	Parr.
Cousins.	Rawlings.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Small.
Hopkins.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—9.

Collie.	Poage.
DeBerry.	Purl.
Hornsby.	Redditt.
Murphy.	Sanderford.
Oneal.	

Present—Not Voting.

Pace.

Absent—Excused.

Blackert.	Patton.
Holbrook.	

Conference Report.

Senator Pace sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two houses on

H. B. No. 146, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580 inhabitants according to the last Federal census, and providing for the manner and the fund from which said salaries shall be paid, repealing all laws in conflict herewith and declaring an emergency."

Report that we have considered the differences between the two houses, and, having reached an agreement, do report that the hereto attached completed bill is the bill which we recommended to be passed by both houses.

We recommend the adoption of this report and the final passage by both

houses of the bill hereto attached.

Respectfully submitted,

PACE,  
WOODUL,  
BECK,  
HORNSBY,

On part of the Senate.

DUNAGAN,  
LATHAM,  
McCLAIN,  
SCOTT,  
DEAN,

On part of the House.

By Dunagan. H. B. No. 146.

A BILL

To Be Entitled

An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580 inhabitants according to the last Federal census, and to fix the salaries and compensation of county commissioners in counties with a population of not less than 9,962 nor more than 10,000 inhabitants, according to the last Federal census as to population; and providing for the manner and the fund from which said salaries shall be paid, repealing all laws in conflict herewith and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That the salaries and compensation of each of the county commissioners in counties with a population of not less than 22,296 nor more than 22,580 inhabitants, according to the last Federal census as to population, shall be one thousand and eight hundred (\$1,800.00) dollars per annum, payable in equal monthly installments of one hundred and fifty (\$150.00) dollars per month.

Sec. 2. That the salaries and compensation of each of the county commissioners in counties with a population of not less than 9,962 nor more than 10,000 inhabitants, according to the last Federal census as to population, shall be five (\$5.00) dollars per day for each day served as commissioner and when acting as ex-officio road superintendent in his precinct, the total salary, however, not to exceed the sum of one thousand (\$1,000.00) dollars in any one year for each commissioner.

Sec. 3. The salaries hereinabove stipulated shall be paid at least one-half out of the Road and Bridge Fund of the county, but not more than seventy-five per cent of said salary

shall be paid out of said Road and Bridge Fund, and the remainder of said salary shall be paid out of the General Fund of the county.

Sec. 4. All laws and parts of laws in conflict herewith are hereby specially repealed.

Sec. 5. The fact that under a certain bill passed by the Regular Session of the Forty-third Legislature fixing the salaries of county commissioners is uncertain in its terms as to certain counties, and the fact that the remaining days of the Special Session are limited and the calendar is already crowded create an emergency and a public necessity requiring that the constitutional rule providing that bills shall be read on three several days in each house and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Read and adopted by the following vote:

#### Yeas—27.

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

#### Nays—1.

DeBerry.

#### Absent—Excused.

Blackert.	Sanderford.
Holbrook.	

#### Conference Report.

Senator Murphy sent up the following Free Conference Committee report:

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.  
Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two houses on

H. B. No. 112, A bill to be entitled "An Act to amend Section 2, Chapter 18, Acts of the Fifth Called Session of the Forty-first Legislature as amended by Chapter 27, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

Having considered the differences between the two houses, and having reached an agreement, beg leave to report that the hereto attached completed bill is the bill which we recommend to be passed by both houses. The bill is substantially the same as the original House bill, with Senate amendment.

We recommend the adoption of this report, and the final passage by both Houses of the attached bill:

Respectfully submitted,

MURPHY,  
WOODUL,  
RAWLINGS,  
POAGE,  
REGAN.

On part of the Senate.

SULLIVAN,  
ALEXANDER,  
HARRIS,  
WOOD,  
ROLLINS,

On part of the House.

H. B. No. 112.

#### A BILL

#### To Be Entitled

An Act amending Section 2, Chapter 18, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Chapter 27, Acts of the Regular Session of the Forty-second Legislature; providing for the operation in this State of motor vehicles owned by non-residents and registered under the laws of another state or county, relative to the registration of motor vehicles and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 2, H. B. No. 83, Chapter 18, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by S. B. No. 85, Chapter 27, Acts of the Regular Session of the Forty-second Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Sec. 2. A non-resident owner of a motor vehicle, trailer, or semi-trailer which has been duly registered for the current year in the state or country of which the owner is a resident and in accordance with the laws

thereof, may, in lieu of registering such vehicle as otherwise required by law, apply to the State Highway Department through a county tax collector for the registration thereof as provided in this Act, except that the privileges granted as otherwise provided in this Act shall not apply to any motor vehicle, trailer, or semi-trailer operated within this State for the transportation of persons or property for compensation or hire. Provided, however, that motor vehicles properly licensed in another state or country operated for compensation or hire may be allowed to make not to exceed two trips during any calendar month and remain on each of said trips within the State not to exceed four days, without being registered in this State, in the event that under the laws of such other state or country like exceptions are granted to motor vehicles registered under the laws of and owned by residents of this State."

Sec. 3. The crowded condition of the calendar and the fact that the session is rapidly drawing to a close, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each house and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

**Yeas—29.**

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Blackert. Holbrook.

**H. C. R. No. 69.**

The Chair laid before the Senate: H. C. R. No. 69, Suspending Joint Rule 11 on S. B. No. 111.

Read and adopted unanimously.

**President Pro Tem. Ad Interim.**

Senator Russek nominated Senator Hopkins for President Pro Tempore Ad Interim.

The nomination was seconded by Senators Stone, Martin, Hornsby, Beck, Oneal, Greer, DeBerry, Woodul, Moore, Woodward, Poage, Murphy, Fellbaum, Woodruff, Purl, Rawlings, and Neal.

The Chair appointed Senators DeBerry and Fellbaum as tellers to collect and tabulate the ballots.

The tellers announced the following results:

Senator Hopkins—27 votes.

The Chair declared Senator W. K. Hopkins duly elected President Pro Tempore Ad Interim and appointed Senators DeBerry, Fellbaum, and Neal to escort him to the platform where the Chair administered the oath of office.

The Chair introduced President Pro Tempore Ad Interim-Elect W. K. Hopkins, who briefly addressed the Senate.

**Senate Simple Resolution No. 21.**

Senator Woodul sent up the following resolution:

Whereas, On November 10, 1933, the Advertising Federation of America will hold a convention in Fort Worth; and

Whereas, Said organization has invited General Hugh Johnson to address said convention; now, therefore, be it

Resolved by the Senate, That we join in inviting General Hugh Johnson to come to Texas on November 10th and address the convention of the Advertising Federation at Fort Worth.

Be it further resolved, That a copy of this resolution be wired General Johnson by the Secretary of the Senate.

WOODUL,  
RAWLINGS.

Read and adopted.

**Conference Report.**

Senator Woodruff sent up the following Free Conference Committee report:

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two houses on

H. B. No. 88, A bill to be entitled "An Act amending Article 2350, Chapter 44, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by H. B. No. 555, Chapter 216, page 727, Acts of the Forty-third Legislature, Regular Session, relating to the salaries of county commissioners in certain counties, providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part, and declaring an emergency."

Having considered the differences between the two houses, and having reached an agreement beg leave to report that the hereto attached bill is the bill which we recommend to be passed by both houses.

We recommend the adoption of this report and the final passage by both houses of the attached bill:

Respectfully submitted,

WOODRUFF,  
NEAL,  
COLLIE,  
MURPHY,  
BECK,

On part of the Senate.

VAN ZANDT,  
HYDER,  
BARRON,  
ADAMSON,  
LATHAM,

On part of the House.

H. B. No. 88.

#### A BILL

#### To Be Entitled

An Act amending Article 2350, Chapter 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as

amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by House Bill Number 555, Chapter 216, page 727, Acts of the Forty-third Legislature, Regular Session, relating to the salaries of county commissioners in certain counties, providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2350, Chapter 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by House Bill Number 555, Chapter 216, Act of the Regular Session of the Forty-third Legislature, be and the same is hereby amended by adding a new section after Section 1, to read as follows:

"Except in all counties having an assessed valuation of more than Sixty-five Million Dollars (\$65,000,000.00) and less than Seventy-six Million Dollars (\$76,000,000.00) according to the last preceding tax roll, each commissioner shall receive a salary not to exceed Three Thousand Dollars (\$3,000.00) per year.

"Except in all counties having an assessed valuation of more than Eighteen Million Dollars (\$18,000,000) and less than Eighteen Million Five Hundred Thousand Dollars (\$18,500,000.00) according to the last preceding tax roll, each commissioner shall receive a salary not to exceed One Thousand Eight Hundred Dollars (\$1,800.00) per year.

"Except in all counties having an assessed valuation of more than Six Million Dollars (\$6,000,000.00) and less than Six Million Five Hundred Thousand Dollars (\$6,500,000.00) according to the last preceding tax roll, each Commissioner shall receive an annual salary not to exceed One Thousand Three Hundred and Fifty Dollars (\$1,350.00).

"Except in all counties having an

assessed valuation of more than Five Million (\$5,000,000.00) Dollars and less than Six Million (\$6,000,000.00) Dollars, according to the last preceding tax roll, and having a population of less than twenty-four thousand one hundred inhabitants and more than twenty-four thousand inhabitants according to the last preceding Federal census, each commissioner shall receive a salary not to exceed Twelve Hundred (\$1200.00) Dollars per year.

"Except in all counties having an assessed valuation of more than Five Million (\$5,000,000.00) Dollars and less than Five Million Five Hundred Thousand (\$5,500,000.00) Dollars, according to the last preceding tax roll each commissioner shall receive an annual salary not to exceed Twelve Hundred (\$1200.00) Dollars.

"Except in all counties having an assessed valuation of more than Twenty-eight Million (\$28,000,000.00) Dollars and less than Twenty-nine Million (\$29,000,000.00) Dollars according to the last preceding tax roll, and having a population of more than thirty-four thousand inhabitants and less than thirty-seven thousand inhabitants according to the last preceding Federal census, each commissioner shall receive a salary not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per year.

"Except in all counties having an assessed valuation of more than Seven Million Two Hundred Thousand (\$7,200,000.00) Dollars and less than Seven Million Four Hundred Thousand (\$7,400,000.00) Dollars according to the last preceding tax roll each commissioner shall receive an annual salary not to exceed One Thousand Two Hundred and Sixty (\$1,260.00) Dollars.

"Except in all counties having an assessed valuation in excess of Thirty Million (\$30,000,000.00) Dollars according to the last preceding tax roll, and having a population of more than sixty thousand inhabitants and less than seventy thousand inhabitants according to the last preceding Federal census, and having as many as two cities with a population in excess of thirteen thousand five hundred inhabitants according to the last preceding Federal census, each commis-

sioner shall receive a salary not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per year.

Sec. 2. If any section, clause, sentence, or other part of this Act shall for any reason be declared unconstitutional it shall not affect in any way the constitutionality of the remaining provisions hereof.

Sec. 3. The crowded condition of the calendar and the near approach to the end of the session create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—27.

Beck.	Parr.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

DeBerry.

Absent—Excused.

Blackert.	Patton.
Holbrook.	

#### House Bill No. 120.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 120, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Section 7, Acts of the Fourth Called Session of the Forty-first Legislature, and as further amended by Chapter 94, Section 1, of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The committee report recommending the bill to be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time.

Senator Woodul sent up the following amendment:

Amend House Bill Number 120 by striking out the last two paragraphs of Section 2 and inserting in lieu thereof the following:

"It is further hereby provided that from and after January 1, 1934, in the counties having a population of more than seventy thousand (70,000), according to the last preceding Federal census, the tax collector shall advance to the tax assessor, out of State taxes collected by the tax collector, such sums of money to be paid weekly, as may be necessary to pay the salaries of said tax assessor and his deputies, but such sums shall not total, before the annual tax rolls are submitted by him to the Comptroller of Public Accounts, more in one year than 60% of the estimate for said year hereinafter provided for.

"In counties of the class last mentioned on January 1st of each year the assessor of taxes shall submit to the Comptroller of Public Accounts and county auditor an estimate of State fees for assessing taxes for said year, which, if approved by said county auditor and said Comptroller of Public Accounts, shall authorize the payment out of State taxes of the salaries in the next paragraph hereinabove provided; and at the time the assessor of taxes submits his tax rolls each year, he shall be paid such balance due him from the State as shall be determined by the said Comptroller of Public Accounts and county auditor and such balance shall be paid out of State taxes upon the warrant of the Comptroller of Public Accounts drawn upon the tax collector;" and amend the caption to conform.

WOODUL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 120 was put

on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Blackert.	Patton.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Blackert.

#### Senate Simple Resolution No. 22.

Senator Purl sent up the following resolution:

Whereas, "Ray's Advance Session Laws" will be published a few days after adjournment, containing all of the general laws passed by this special session, which will be the only available copy obtainable for some time thereafter, therefore, be it

Resolved, that the Senate subscribe for one copy each of said laws to be mailed to each Senator and of-

ficers of the Senate as soon as published, at \$1.00 per copy to be paid out of the contingent fund to the publisher.

#### PURL.

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

#### Senate Simple Resolution No. 23.

Senator Sanderford sent up the following resolution:

Whereas, Tom Burton, 78 years old, has been a valued employee of the State Senate for 28 years, working over-time; and

Whereas, For the first 45 years after reconstruction days, he consistently helped to change his district from the Republican to the Democratic ranks; therefore, be it

Resolved, That he be given employment for four months after the present Special Session of the Legislature, putting the Senate offices in order, committee rooms, etc., at a salary of \$45.00 per month.

COUSINS,  
GREER,  
PATTON,  
SANDERFORD.

The resolution was read.

On motion of Senator Moore, the resolution was laid on the table subject to call.

#### Recess.

On motion of Senator Moore, the Senate, at 6:34 o'clock p. m., recessed until 8:45 o'clock p. m.

#### After Recess.

The Senate met at 8:45 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Conference Committee report on H. B. No. 179 by a vote of 68 yeas and 35 nays and has requested the Conference Committees to consider further the differences between the two houses.

The House has adopted the Conference Committee report on H. B. No. 88 by a vote of 105 yeas, 3 nays.

The House has passed the following bill and resolutions:

H. C. R. No. 73, Suspending Rule 11 of the Joint Rules for the purpose of taking up for consideration and final passage S. B. No. 71:

S. B. No. 71, A bill to be entitled "An Act to amend Article 5155, Revised Civil Statutes 1925 as amended by the Regular Session of the Forty-third Legislature 1933, providing for payment of wages semi-monthly; amending Article 5157, providing for penalty; repealing Article 5158 and Article 5159, Revised Civil Statutes 1925; excepting municipal corporations and wages earned in agricultural and stock raising pursuits, and declaring an emergency."

H. C. R. No. 76, Requesting the Senate to return to the House for further consideration S. C. R. No. 23.

The House has passed the following bill:

S. B. No. 35, A bill to be entitled "An Act amending S. B. No. 86, Acts of the First Called Session of the Forty-first Legislature by authorizing the receiving of gifts and donations for rehabilitation work, said gifts and donations to be deposited in the State Treasury, subject to the matching of same with Federal funds to a limited amount; and declaring an emergency."

The House has adopted the Conference Committee report on H. B. No. 54 by a vote of 112 yeas, 0 nays.

The House has adopted the Conference Committee report on H. B. No. 199 by a vote of 109 yeas, 0 nays.

The House has adopted the Conference Committee report on H. B. No. 146 by a vote of 114 yeas, 0 nays.

The House has adopted the Conference Committee report on H. B. No. 112 by a vote of 109 yeas, 0 nays.

The House has adopted the Conference Committee report on H. B. No. 10 by a vote of 105 yeas, 17 nays.

The House has concurred in Senate amendments to H. B. No. 120 by a vote of 95 yeas, 10 nays.

That the House has passed the following bills:

S. B. No. 54, A bill to be entitled "An Act amending Section Eight (8), Nine (9) and Ten (10) of Chapter 186, General Laws of Texas, Thirty-ninth Legislature, Regular Session 1925. Said chapter providing for the construction and maintenance of State highways under the control of the State Highway Department regulating the making of highway contracts and providing for security therefor; the sections so amended to be hereinafter set out in full, and declaring an emergency."

S. B. No. 75, A bill to be entitled "An Act making appropriations to pay contingent expenses of State prosecuting attorneys before the Court of Criminal Appeals, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Report.

Senator Woodruff sent up the following Free Conference Report on H. B. No. 121:

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House.

Sirs: We, your committee appointed to adjust the difference between the House and Senate on

H. B. No. 121, A bill to be entitled "An Act appropriating the sum of twelve hundred Dollars (\$1200.00) for each of the two (2) years beginning September 1, 1933, and September 1, 1934, to pay the traveling and living expenses of Justices of the several Courts of Civil Appeals in hearing oral arguments in transferred cases under the provisions of Chapter 151 of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature; and appropriating twenty thousand dollars (\$20,000) out of the Highway Fund for salary and expenses in the defense of certain suits against the State of Texas and five hundred (\$500.00) of the General Revenue Fund to defray the actual and necessary expenses of the attorney before the Court of Criminal Appeals in certain cases; and to employ a stenographer in the State Service Office; and declaring an emergency."

Have had same under consideration and beg leave to report back to the House and Senate with our recommendations the following bill:

By Harman, et al. H. B. No. 121.

#### A BILL

##### To Be Entitled

An Act appropriating the sum of twelve hundred dollars (\$1200.00) for each of the two (2) years beginning September 1, 1933, and September 1, 1934, to pay the traveling and living expenses of Justices of the several Courts of Civil Appeals in hearing oral arguments in transferred cases under the provisions of Chapter 151 of the General Laws of the State of Texas, passed by the Regular Session of the Forty-third Legislature; and appropriating twenty thousand dollars (\$20,000.00) out of the Highway Fund for salary and expense in the defense of certain suits against the State of Texas and five hundred (\$500.00) of the General Revenue Fund to defray the actual and necessary expenses of the attorney before the Court of Criminal Appeals in certain cases; and to employ a stenographer in the State Service Office; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of twelve hundred dollars (\$1200.00) for each of the two years beginning September 1, 1933, and September 1, 1934, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the actual and necessary traveling and living expenses incurred by the various Justices of the Courts of Civil Appeals in hearing oral arguments in transferred cases, under the provisions of Chapter 151 of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature, 1933.

Section 1-a. That the sum of five hundred dollars (\$500.00) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, or so much thereof as may be necessary, to defray the actual and necessary traveling expenses of the Assistant Attorney General before the Court of Criminal Appeals in appearing before the Su-



preme Court of the United States in causes wherein the State of Texas is a party.

Section 1-b. For the purpose of enabling the State Highway Commission to investigate the facts and to conduct and maintain its present organization of legal investigation and to furnish the Attorney General with all the necessary facts and assistance in the conduct and defense of such suits as have been heretofore authorized by the Legislature and such suits as have heretofore or may hereafter be instituted under such authority, and to enable the State Highway Commission to employ attorneys, investigators and clerical assistance, and to defray expenses in connection with such investigations and such assistance, there is hereby appropriated from the State Highway Fund the sum of twenty thousand dollars (\$20,000.00) for the use and benefit of the State Highway Commission, which is hereby authorized to fix salaries of all such employees, and the Attorney General shall be entitled to their services when needed by him for such purposes. The above and foregoing amount appropriated herein shall be paid out of the State Highway Fund upon warrants issued by the State Comptroller as provided by Chapter 1, Title 116, Revised Civil Statutes, 1925.

Sec. 1-c. That the sum of nine hundred dollars (\$900.00) for each of the years beginning September 1, 1933, and September 1, 1934, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to be expended by the State Service Officer in the employment of one stenographer at a salary not to exceed seventy-five dollars (\$75.00) per month.

Sec. 2. The fact that under the provisions of Chapter 151 of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature, requires various Justices of the Courts of Civil Appeals in the State of Texas to travel out of the district to hear oral arguments in cases which had been transferred in order to equalize the amount of business in said districts and the further fact that no appropriation had heretofore been made to pay said traveling and living expenses for the biennium end-

ing August 31, 1935, and the further fact that numerous persons have been authorized by the Forty-third Legislature, Regular and First Called Session, 1933, to file and prosecute certain suits against the State Highway Department and the State of Texas and the appropriations made to defray the actual and necessary salaries and expenses therefor are inadequate, and the further fact that the Assistant Attorney General before the Court of Criminal Appeals is required to appear before the Supreme Court of the United States on behalf of the State of Texas in a certain cause or causes, for which there is no appropriation for the expenses incident thereto, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

WOODRUFF,  
MOORE,  
BECK,  
REDDITT,

On the part of the Senate.

HARMAN,  
AIKIN,  
CLAYTON,  
RIDDLE,  
SULLIVANT,

On the part of the House.

Read and adopted by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Fellbaum.	Redditt.
Gracer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—4.

Collie.	Poage.
Oneal.	Rawlings.

Present—Not Voting.

Cousins.

**House Bill No. 179.**

On motion of Senator Woodruff the Senate granted the request of the House for further consideration of H. B. No. 179 by the conference committees.

**H. C. R. No. 73.**

The Chair laid before the Senate: H. C. R. No. 73, Suspending Joint Rule 11 on S. B. No. 71.  
Read and adopted unanimously.

**House Bill No. 120.**

On motion of Senator Oneal, the vote by which H. B. No. 120 was finally passed was reconsidered.

By unanimous consent the vote by which the following amendment was adopted was reconsidered:

Amend House Bill No. 120 by striking out the last two paragraphs of Section 1 and inserting in lieu thereof the following:

"It is further hereby provided that from and after January 1, 1934, in counties having a population of more than 250,000, according to the last preceding Federal census, the tax collector shall advance to the tax assessor, out of State taxes collected by the tax collector, such sums of money to be paid monthly, as may be necessary to pay the salary of said tax assessor and his deputies, but such sums shall not total, before the annual tax rolls are submitted by him, more in any one year than 80% of the estimate for said year hereinafter provided for.

"In counties of the class last mentioned on January 1st of each year the assessor of taxes shall submit to the Comptroller and county auditor an estimate of State fees for assessing taxes for said year, and at the time the assessor of taxes submits his tax rolls each year, he shall be paid such balance due him from the State as shall be determined by the said Comptroller and county auditor and such balance shall be paid out of State taxes upon the warrant of the Comptroller drawn upon the tax collector."

Amend caption to conform.

On motion of Senator Oneal, the amendment was tabled.

Senator Oneal received unanimous consent to make the following corrections in Amendment No. 1:

In the second line, change "Section 2" to read "Section 1."

In Paragraph 2, lines 7 and 8, strike out the words "and his deputies."

The bill was finally passed by the following vote:

**Yeas—29.**

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Blackert.	Holbrook.
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**H. C. R. No. 76.**

Senator Greer received unanimous consent to take up:

H. C. R. No. 76, Recalling S. C. R. No. 23 to the House for further consideration.

Read and adopted.

**At Ease.**

By unanimous consent, the Senate, at 8:58 o'clock p. m., stood at ease subject to the call of the Chair.

**Senate Simple Resolution No. 24.**

Senator Woodward sent up the following resolution:

Whereas, The testimony given before the Committee of the Whole Senate in connection with the investigation of the Texas Rehabilitation and Relief Committee has been transcribed; and

Whereas, Much of said testimony should be printed in Senate Journal, therefore, be it

Resolved by the Senate that the Steering Committee of five Senators appointed by the Chairman of the Committee of the Whole be and they are authorized to have said testimony or so much thereof as they deem material to the hearing printed as an appendix to the Senate Journal of the First Called Session of the

Forty-third Legislature and that the expense therefor be paid out of the contingent fund.

PURL,  
WOODWARD,  
RAWLINGS,  
SMALL,  
MURPHY.

Read and adopted.

#### Senate Simple Resolution No. 25.

Senator Purl sent up the following resolution:

Whereas, There appears to be that chairs and desks, being property of the Senate are now being used by departments; and

Whereas, It is the wish of the Senate that all property belonging to the Senate be returned to the Senate without delay. Now, therefore, be it

Resolved, That the Secretary of the Senate is hereby ordered and directed to take charge of said property of the Senate and have same returned without delay; and be it further

Resolved, That no room or property of the Senate or the Senate Chamber be used by any one unless ordered by the Lieutenant Governor and a majority vote of the Senate.

PURL.

Read and adopted.

#### Conference Report.

Senator Pace sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, Oct. 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Hon. Edgar E. Witt, President of the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences in

S. B. No. 78, A bill to be entitled "An Act to amend Article 1111, Revised Civil Statutes of Texas, 1925, as amended, granting to cities and towns power in reference to the building, purchasing, improving, enlarging, extending and repairing of light, water, sewer, or natural gas systems, sanitary disposal equipment and appliances, parks and/or swimming pools and hospitals, either or all, and the franchise and income thereof, to secure the payment of funds therefor; authorizing the en-

cumbrance of said properties and/or revenues and income therefrom, the granting to a foreclosure purchaser of an operating franchise for a period of twenty years; providing that obligations issued therefor shall never constitute debts of such city or town and shall never be reckoned in determining the power of such city or town to issue bonds prescribing certain requisites before cities and towns may use Federal funds in duplicating services of existing facilities; amending Article 1112 of the Revised Civil Statutes of Texas, 1925, as amended, so as to require an election before selling said system, that if such system or hospital is to be constructed, purchased, improved, enlarged, extended or repaired, or existing indebtedness thereon refunded, no election on such provision shall be necessary unless a referendum election is requested as required by law; amending Article 1113, Revised Civil Statutes of Texas, 1925, as amended, so as to include hospitals and to provide for inspection for annual reports thereunder; providing for the leasing of hospitals hereunder; re-enacting Article 1114 as heretofore existing; repealing all laws and parts of laws in conflict herewith; validating all securities heretofore issued under the provisions of Articles 1111 to 1118, inclusive, as amended, all proceedings commenced for the issuance of such securities, all acts of governing bodies and of officials of such cities and towns, all acts of trustees named in any mortgages or indentures in respect of such securities, the appropriation and pledge of revenues of such system or systems, the mortgage or indenture on the properties and franchise of any such system or systems, validating all acts of said cities and towns, the governing bodies thereof and the officers thereof in proceedings leading up to the sale and delivery of such securities, mortgages and indentures, and authorizing completion of such sale and delivery heretofore authorized, except for failure to comply with statutes prescribing notice, competitive bidding and the right to referendum; providing that securities issued hereunder and according to this Act shall be negotiable under the uniform negotiable instruments act, legalizing said securities for investment by various fiduciaries and in-

stitutions and declaring an emergency."

Have had the same under consideration, and we recommend that the attached bill which is substantially the original bill be passed in lieu of the original.

LATHAM,  
VAN ZANDT,  
MOFFETT,  
GOOD,  
STEWART,

On the part of the House.

SMALL,  
WOODWARD,  
PACE,  
HOPKINS,  
RAWLINGS,

On the part of the Senate.

By Pace.

S. B. No. 78.

#### A BILL

#### To Be Entitled

An Act to amend Article 1111, Revised Civil Statutes of Texas, 1925, as amended, granting to cities and towns power in reference to the building, purchasing, improving, enlarging, extending and repairing of light, water, sewer or natural gas systems, sanitary disposal equipment and appliances, parks and/or swimming pools and hospitals, either or all, and the franchise and income thereof, to secure the payment of funds therefor; authorizing the encumbrance of said properties and/or revenues and income therefrom, the granting to a foreclosure purchaser of an operating franchise for a period of twenty years; providing that obligations issued therefor shall never constitute debts of such city or town and shall never be reckoned in determining the power of such city or town to issue bonds prescribing certain requisites before cities and towns may use Federal funds in duplicating services of existing facilities; amending Article 1112 of the Revised Civil Statutes of Texas, 1925, as amended, so as to require an election before selling said system, that if such system or hospital is to be constructed, purchased, improved, enlarged, extended or repaired, or existing indebtedness thereon refunded, no election on such provision shall be necessary unless a referendum election is requested as required by law; amending Article 1113, Revised Civil Statutes of Texas, 1925, as

amended, so as to include hospitals and to provide for inspection for annual reports hereunder; providing for the leasing of hospitals hereunder; re-enacting Article 1114 as heretofore existing; repealing all laws and parts of laws in conflict herewith, validating all securities heretofore issued under the provisions of Articles 1111 to 1118, inclusive, as amended, all proceedings commenced for the issuance of such securities, all acts of governing bodies and of officials of such cities and towns, all acts of trustees named in any mortgages or indentures in respect of such securities, the appropriation and pledge of revenues of such system or systems, the mortgage or indenture on the properties and franchise of any such system or systems, validating all acts of said cities and towns, the governing bodies thereof and the officers thereof in proceedings leading up to the sale and delivery of such securities, mortgages and indentures, and authorizing completion of such sale and delivery heretofore authorized, except for failure to comply with statutes prescribing notice, competitive bidding and the right to referendum; providing that securities issued hereunder and according to this Act shall be negotiable under the uniform negotiable instruments Act, legalizing said securities for investment by various fiduciaries and institutions and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Amend Article 1111, Revised Civil Statutes of Texas, 1925, as amended by Chapter 194, Acts of the Regular Session of the Fortieth Legislature, as further amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 122, Acts of the Regular Session of the Forty-third Legislature, so that same shall hereafter be and read as follows:

"Article 1111. All cities and towns, including Home Rule cities, shall have power to build and purchase, to mortgage and encumber their light systems, water systems, sewer systems, or sanitary disposal equipment and appliances, or natural gas systems, parks and/or swimming pools or hospitals, either, or all, and the franchise and income thereof and

everything pertaining thereto acquired or to be acquired and to evidence the obligation therefor by the issuance of bonds, notes or warrants, and to secure the payment of funds to purchase same; or to purchase additional water powers, riparian rights, or to build, improve, enlarge, extend or repair such systems, or any of them, including the purchase of equipment and appliances for the sanitary disposal of excreta and offal, and as additional security therefor, by the terms of such encumbrance, may grant to the purchaser under sale or foreclosure thereunder, a franchise to operate the systems and properties so purchased for a term of not over thirty (30) years after purchase, subject to all laws regulating same then in force. Such notes, bonds, or warrants may be secured by pledge of the net income and revenue of any such system or systems or by pledge of such income and revenues and also by mortgaging the properties comprising any such system or systems. No such obligation of any such systems shall ever be a debt of such city or town, but solely a charge upon the revenue and/or properties of the system so encumbered, and shall never be reckoned in determining the power of any such city or town to issue any bonds for any purpose authorized by law; provided that no such city or town shall be authorized under the provisions hereof to obtain funds from the Federal Government or any of its agencies which are to be expended in duplicating services already being performed by existing facilities, unless it shall have been first determined by such agency of the Federal Government that the services then being supplied by existing facilities are inadequate to meet the needs and necessities of such city or town."

Sec. 2. Amend Article 1112 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 194, Acts of the Regular Session of the Fortieth Legislature, as further amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 122, Acts of the Regular Session of the Forty-third Legislature, so that same shall hereafter be and read as follows:

"Article 1112. No such light, water, sewer or natural gas system, systems, parks and/or swimming pools or hospitals shall ever be constructed, purchased, improved, enlarged, extended,

repaired or sold until such construction, purchase, improvement, enlargement, extension, repair or sale is authorized by a majority vote of the qualified voters of such city or town at an election held for such purpose. Such vote in either case shall be ascertained at an election, which election shall be held and notice thereof given as is provided in the case of the issuance of municipal bonds of such cities or towns. Nothing herein provided shall be construed as repealing any of the provisions of H. B. No. 312, Chapter 163, Acts of the Regular Session of the Forty-second Legislature, except where in direct conflict therewith."

Sec. 3. Amend Article 1113 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 194, Acts of the Regular Session of the Fortieth Legislature, as further amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 122, Acts of the Regular Session of the Forty-third Legislature, so that same shall hereafter be and read as follows:

"Article 1113. Whenever the income of any light, water, sewer, or natural gas systems, parks and/or swimming pools, or hospitals, shall be encumbered under this law, the expense of operation and maintenance, including all salaries, labor, materials, interest, repairs and extensions necessary to render efficient service and every proper item of expense shall always be a first lien and charge against such incomes. Provided, that only such repairs and extensions, as in the judgment of the governing body of such city or town, are necessary to keep the plant or utility in operation and render adequate service to such city or town and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the original securities, shall be a lien prior to any existing lien. The rates charged for services furnished by any such system shall be equal and uniform, and no free service shall be allowed except for city public schools or buildings and institutions operated by such city or town, provided, however, that necessary charity work may be rendered in such hospitals. There shall be charged and collected for such services a sufficient rate to pay all operating, maintenance, depreciation, re-

placement, betterment and interest charges, and for interest and sinking fund sufficient to pay any bonds issued to purchase, construct, or improve any such systems or any outstanding indebtedness against same, provided, however, that any hospital may be leased for an annual rental sufficient to pay for maintenance, depreciation, replacement, betterment and interest charges, and for interest and sinking fund sufficient to pay any bonds issued to purchase, construct or improve any hospital, or any outstanding indebtedness against the same. No part of the income of any such system shall ever be used to pay any other debt, expense or obligation of any such city or town, until the indebtedness so secured shall have been finally paid.

Hereinafter, it shall be the duty of the mayor or manager of all cities and towns operating municipally-owned utilities to install and maintain, or cause to be installed and maintained, a complete system of records and accounts showing the free service rendered, and the value thereof, and showing separately the amounts expended and/or set aside for operation, salaries, labor, materials, repairs, maintenance, depreciation, replacements, extensions, interest, and the creation of a sinking fund to pay off such bonds and indebtedness.

It shall likewise be the duty of the superintendent or manager of such plant to file with the mayor of such city or town, not later than February 1, a detailed report of the operations of such plant for the year ending January 1 preceding, showing the total sums of money collected and the balance due, as well as the total disbursements made and the amounts remaining unpaid as the result of operation of such plant during such calendar year, and such reports shall be kept on file by the mayor or manager as permanent records, and shall be open to inspection by any citizen of such city or town.

Failure or refusal on the part of the mayor to install and maintain, or cause to be installed and maintained, such system of records and accounts within ninety (90) days after the completion of such plant, or on the part of such superintendent or manager, to file or cause to be filed such report, shall constitute a misdemeanor and, on conviction thereof, such mayor or superintendent or man-

ager shall be subject to a fine of not less than one hundred dollars (\$100), nor more than one thousand (\$1000) dollars; and any tax payer, citizen or holder of such indebtedness shall have the right, by appropriate civil action in the district court of the county in which such city or town is located, to enforce the provisions of this Act as amended."

Sec. 4. That Article 1114 of the Revised Civil Statutes of Texas for 1925, as heretofore amended, be amended so as to hereafter read as follows:

"Article 1114. Every contract, bond, note or other evidence of indebtedness issued or included under this law shall contain this clause: 'The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.' Where bonds are issued hereunder, they may be presented to the Attorney General for his approval as is provided for the approval of municipal bonds issued by such cities or towns. In such case, the bonds shall be registered by the State Comptroller as in the case of other municipal bonds."

Sec. 5. Where the governing body of any city or town has authorized or issued securities, or has commenced proceedings for the issuance of securities, for any of the purposes authorized by Articles 1111 to 1118, inclusive, Revised Civil Statutes of 1925, or any amendment thereto, all Acts and proceedings had and done in connection therewith by the governing body, or officials of such city or town, and the trustee named in any mortgage or indenture in respect of such securities, the appropriation and pledge of revenues of such system or systems, the mortgage or indenture on the properties and franchise of any such system or systems to secure payment of such securities, and the said securities are hereby ratified, confirmed, legalized, approved and validated. In event any of said securities, or any parcel or installment thereof, have not been sold, issued, delivered, or put into circulation, power and authority is hereby expressly conferred upon and delegated to the governing body of any such city or town, the mayor, city secretary, city treasurer or other proper officer thereof, and the trustee named in such mortgage or indenture, to discharge and perform all acts and duties necessary in the issuance or

sale and delivery of such bonds, and such governing body is hereby further authorized to adopt all other and further orders, resolutions or ordinances necessary in the issuance, sale, delivery and payment of said bonds, or any parcel or installment thereof, provided that nothing herein shall be construed as validating any warrants, bonds or other securities not issued in compliance with those provisions of Chapter 163, Acts of the Forty-second Legislature relating to notice, competitive bidding and right of a referendum election.

Sec. 6. All securities issued under the provisions of this law and in accordance therewith shall be negotiable for all purposes set forth in the Uniform Negotiable Instruments Act.

Sec. 7. The provisions of this Act are cumulative of all other laws and parts of laws of this State relating to the same subject, except where the same are in conflict therewith, and in case of such conflict the provisions of this Act shall supersede such existing statutes and laws.

Sec. 8. Projects financed in accordance with this law are hereby declared to be self-liquidating in character and supported by means other than by taxation.

Sec. 9. The fact that cities and towns are hindered in the making and financing of necessary improvements because of the insufficiency of the present law, which will be relieved by this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended, and that this Act take effect immediately from and after its passage, and it is so enacted.

Read and adopted by the following vote:

## Yeas—27.

Beck.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—1.

Collie.

## Absent—Excused.

Blackert.  
Holbrook.

Patton.

## Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 26.	H. B. No. 213.
H. B. No. 27.	H. B. No. 102.
H. B. No. 212.	H. B. No. 132.
H. B. No. 176.	H. B. No. 41.
H. B. No. 185.	H. B. No. 200.
H. B. No. 186.	H. B. No. 93.
H. B. No. 174.	H. B. No. 87.
H. B. No. 205.	H. B. No. 145.
H. B. No. 53.	H. B. No. 108.
H. B. No. 23.	S. B. No. 46.
H. B. No. 194.	S. B. No. 54.
H. B. No. 150.	S. B. No. 75.
H. B. No. 81.	S. B. No. 35.
H. B. No. 11.	H. C. R. No. 27.
H. H. No. 20.	H. C. R. No. 7.
H. B. No. 57.	H. C. R. No. 15.
H. B. No. 85.	H. C. R. No. 29.
H. B. No. 147.	

## S. C. R. No. 34.

Senator Neal sent up the following resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rule No. 11 of the Senate Rules, be suspended so as to permit the House of Representatives to consider and finally pass S. B. No. 99.

NEAL.

Read and adopted unanimously.

## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Oct. 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 78 by a vote of 109 yeas, 7 nays.

The House has passed the following bill:

S. B. No. 71, A bill to be entitled "An Act to amend Article 5155, Revised Civil Statutes 1925 as amended

by the Regular Session of the Forty-third Legislature, 1933, providing for payment of wages semi-monthly; amending Article 5157, providing for penalty; repealing Article 5158 and Article 5159, Revised Civil Statutes 1925; excepting municipal corporations and wages earned in agricultural and stock raising pursuits, and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 189.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 189, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than nine thousand six hundred and eighty-four (9,684) nor more than nine thousand seven hundred and eighty-four (9,784) inhabitants, according to the last preceding United States census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of nine million dollars (\$9,000,000) for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 189 by striking out Section 1.

WOODRUFF.

Read and adopted by the following vote:

#### Yeas—20.

Beck.	Rawlings.
DeBerry.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

#### Nays—7.

Collie.	Moore.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	

#### Absent.

Cousins.

#### Absent—Excused.

Blackert.	Patton.
Holbrook.	

Senator Purl raised the point of order that a quorum was lacking. The roll call showed a quorum present.

The bill failed to pass to third reading by the following vote:

#### Yeas—4.

Greer.	Parr.
Neal.	Regan.

#### Nays—11.

Collie.	Purl.
Duggan.	Redditt.
Fellbaum.	Sanderford.
Moore.	Woodruff.
Oneal.	Woodul.
Poage.	

#### Present—Not Voting.

Beck.	Small.
Hornsby.	Stone.
Murphy.	Woodward.
Pace.	

#### Absent.

Cousins.	Martin.
DeBerry.	Rawlings.
Hopkins.	Russek.

#### Absent—Excused.

Blackert.	Patton.
Holbrook.	

#### Conference Requested.

On motion of Senator Poage, the Senate refused to concur in the House amendments to S. B. No. 71 and requested the appointment of a conference committee.

#### S. C. R. No. 35.

Senator Neal sent up the following resolution:

Be it resolved by the Senate of Texas, the House of Representatives



concurring, That Joint Rule No. 11, of the Senate Rules, be suspended, so as to permit the House of Representatives to consider and finally pass S. B. No. 107.

NEAL.

Read and adopted by the following vote:

Yeas—11.

Beck.	Neal.
Collie.	Parr.
DeBerry.	Regan.
Duggan.	Sanderford.
Fellbaum.	Woodul.
Greer.	

Nays—5.

Martin.	Purl.
Moore.	Rawlings.
Poage.	

Present—Not Voting.

Hornsby.	Redditt.
Oneal.	Russek.
Pace.	

Absent.

Cousins.	Small.
Hopkins.	Stone.
Murphy.	Woodruff.

Absent—Excused.

Blackert.	Patton.
Holbrook.	Woodward.

#### Senate Simple Resolution No. 26.

Senator Woodruff sent up the following resolution:

Whereas, There are certain duties to be performed by the employees of the Senate after final adjournment is had; therefore, be it

Resolved by the Senate of Texas, That the following named employees and no other be retained on the payroll of the Senate after the First Called Session of the Forty-third Legislature, that said named employees be retained only for the number of days specified and actually put in each case and that they receive no compensation other than herein provided, each employee so retained to perform such duties as are specified herein and such additional duties as shall be assigned to them by the Secretary of the Senate or as directed by the President of the Senate, viz.:

The Secretary of the Senate shall be retained for thirty (30) days at a

salary of ten dollars (\$10) per day, and he shall be allowed the services of the Assistant Secretary of the Senate who shall be retained for thirty (30) days at five dollars (\$5.00) per day. He shall also be allowed the assistance of the Secretary to the Lieutenant Governor for thirty (30) days, said secretary to assist the Lieutenant Governor and to receive for her services the sum of five dollars (\$5.00) per day.

The Journal Clerk shall be retained for thirty (30) days at a salary of six dollars (\$6.00) per day and he shall prepare and deliver to the public printer the Journal of the Senate together with complete index of the same and deliver to the Secretary of State all documents, bills, papers and Journals required by law to be so delivered by him.

The Sergeant-at-Arms shall be retained for a period of five (5) days at six dollars (\$6.00) per day with two assistants for five (5) days each at four dollars (\$4.00) per day and the head porter with three extra porters for two days at a salary of two dollars and fifty cents (\$2.50) per day. The said Sergeant-at-Arms shall place the Senate Chamber in order, make an inventory of the furniture and fixtures, and of the supplies, and close his books.

The Calendar Clerk shall be retained for a period of seven (7) days at a salary of six dollars and Enrolling Clerk shall be retained for four days, and Assistant Engrossing and Enrolling Clerks four days, and the private secretary of each Senator shall be retained for two days after adjournment to perform such services as shall be required of them and each of them shall receive for such services five (\$5.00) per day each.

The Lieutenant Governor is hereby authorized to employ a head porter and one assistant porter and a matron to serve under the direction of the custodian of the Senate in keeping the Senate Chamber in order during the interval between adjournment of this session and convening of the next session of the Legislature, for which service said head porter shall receive ninety dollars (\$90.00) per month, the assistant porter forty-five dollars (\$45.00) per month, and the matron sixty dollars (\$60.00) per month.

The Lieutenant Governor shall appoint a custodian of the Senate to perform such services as the Lieutenant Governor may direct and to receive therefor the sum of one hundred and twenty-five dollars (\$125.00) per month. The special porter serving as mail carrier shall be retained for four days at three dollars (\$3.00) per day to carry the mail under the direction of and perform such additional services as shall be directed by the Secretary of the Senate. The Postmistress shall be retained for one (1) day at a salary of four dollars and fifty cents (\$4.50).

The Librarian of the Senate shall be retained one day at a salary of four dollars and fifty cents (\$4.50), the mailing clerk and two assistants four days at four dollars and fifty cents (\$4.50) per day, each to perform such services as the Secretary of the Senate shall direct.

The Chairman of the Committee on Contingent Expense is hereby directed to examine all records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate and no claim or account shall be paid without his approval thereof.

Resolved further, That two hundred and fifty (250) volumes of the Senate Journal for the First Called Session of the Forty-third Legislature, when completed, shall be bound in full law sheep and delivered to the Secretary of State, and one volume thus bound shall be forwarded by the Secretary of State to each member of the Senate and of the House of Representatives, to the Lieutenant Governor, and the Secretary of the Senate, and the remainder shall be retained by the Secretary of State. The printing of such Senate Journal in permanent form shall be done in accordance with the provisions of this resolution, under the supervision of the Secretary of the Senate with the assistance of the Journal Clerk; provided further, that it shall be the duty of the Secretary of State not to receive nor to receipt for said journals unless and until corrected and published in accordance with pre-existing law and finally approved by the said Secretary of the Senate. When the accounts have been certified to by the Board of Control, said

account shall be paid out of the Contingent Expense Fund for the First Called Session of the Forty-third Legislature; and provided further that the Chairman of the Committee on Contingent Expense shall not issue nor approve a voucher for payment of said account until the Journal Clerk shall be satisfied that said Journal has been published and delivered in accordance with the terms and provisions set out hereinbefore.

All salaries and compensation herein provided for shall be paid out of the Contingent Expense Fund of the Senate upon warrant signed by the Lieutenant Governor and the Secretary of the Senate.

WOODRUFF.

The resolution was read.

Senator Poage sent up the following amendments:

Amend S. S. R. No. 36 by striking out the provision relating to the special porter.

POAGE.

Read and lost.

Amend S. S. R. No. 26 by striking out the provision relating to the mail clerk and two assistants.

POAGE.

The amendment was read.

Senator Moore moved to table the amendment. The motion prevailed.

Senator Poage sent up the following amendment:

Amend S. S. R. No. 26 by striking out the provision relating to an additional porter.

POAGE.

Read and lost by the following vote:

Yeas—3.

Fellbaum.  
Murphy.

Poage.

Nays—22.

Beck.  
Collie.  
Duggan.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Oneal.  
Neal.  
Pace.  
Parr.

Purl.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

**Absent—Excused**

Blackert. Greer.  
Cousins. Holbrook.  
DeBerry. Patton.

Senator Poage sent up the following amendment:

Amend S. S. R. No. 26 by striking out secretary for Senators.

POAGE.

The amendment was read.

Senator Pace moved to table the amendment. The motion prevailed. The resolution was adopted.

Senator Woodward moved to reconsider the vote by which the resolution was adopted.

Senator Moore moved to table the motion to reconsider. The motion prevailed.

**House Bill No. 207.**

Senator Neal asked unanimous consent to take up H. B. No. 207. Objection was heard.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

(Considered under authority of H. C. R. No. 59.)

H. B. No. 116, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants, and treasury warrants heretofore issued or authorized to be issued and attempted to be issued by any and all cities in the State operating under charters adopted or amended under the provisions of Article XI, Section 5, of the Constitution of Texas, having a population in excess of one hundred thousand, according to the last preceding United States census, issued and attempted to be issued under authority of House Bill No. 312, of the Forty-second Legislature, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Simple Resolution No. 37.**

Senator Purl sent up the following resolution:

Whereas, The State has just completed a new office building at a cost of several thousand dollars; and,

Whereas, The State of Texas now has at this time at least four office buildings, namely: The State Capitol Building proper, the Land Office Building, the new Highway Building, the Old Court House Building; and,

Whereas, Many departments are using more space than is actually needed; and,

Whereas, Several departments are now housed in commercial buildings and in hotels; therefore, be it

Resolved, That the Board of Control be requested and directed to re-apportion and allot the space in the Capitol and other State buildings in Austin to accommodate all State Departments, or section of State Departments, without causing any Departments to occupy any rooms now allotted to the Legislative Branch of the State Government.

PURL.

Read and adopted.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that

The House has concurred in Senate amendments to H. C. R. No. 33 by a viva voce vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 71. The following are conferees on the part of the House:

Messrs. Laird, James, Griffith, Jefferson, Jones of Shelby.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill No. 116.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 116, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants, and treasury warrants heretofore issued or authorized to be issued and attempted to be issued by any and all cities in the State operating un-

der charters adopted or amended under the provisions of Article 11, Section 5 of the Constitution of Texas, having a population in excess of One Hundred Thousand according to the last preceding United States Census, issued and attempted to be issued under authority of House Bill No. 312 of the Forty-second Legislature, etc."

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 116 was put on its second reading by the following vote:

## Yeas—29.

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Blackert. Holbrook.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 116 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Oneal.
Duggan.	Neal.
Fellbaum.	Pace.
Holbrook.	Parr.
Hopkins.	Patton.
Hornsby.	Poage.

Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

## Absent—Excused.

Blackert. Greer.

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Blackert. Greer.

## Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. C. R. No. 52.	H. C. R. No. 60.
H. C. R. No. 71.	H. C. R. No. 57.
H. C. R. No. 22.	H. B. No. 35.
H. C. R. No. 40.	H. B. No. 184.
H. B. R. No. 34.	H. B. No. 94.
H. C. R. No. 59.	H. B. No. 46.
H. C. R. No. 30.	H. B. No. 67.
H. C. R. No. 61.	H. B. No. 129.
H. C. R. No. 36.	H. B. No. 178.
H. C. R. No. 69.	H. B. No. 83.
H. C. R. No. 67.	S. B. No. 78.
H. C. R. No. 64.	

## Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has refused to adopt the Conference Committee Report on H. B. No. 121 by a vote of 65 yeas, 38 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on H. B. No. 161 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conference Report.

Senator Small sent up the following Free Conference Committee report:

Committee Room,  
Austin, Texas, Oct. 13, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives,  
Hon. Edgar E. Witt, President of the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on

H. B. No. 161, A bill to be entitled "An Act making an appropriation out of General Revenues of the State of Texas for the balance of the fiscal year ending August 31, 1934, to be used by the State Parks Board, and declaring an emergency."

Have had the same under consideration and beg leave to report that we recommend that the Senate recede from Senate Amendments Nos. 1 and 2, and that the bill as passed by the House be passed with an amendment striking out the words and figures "twelve thousand five hundred dollars, (\$12,500.00)," and insert in lieu thereof the words and figures, "Ten Thousand (\$10,000.00) Dollars."

HARMAN,  
TOWNSEND,  
HOSKINS,  
PALMER,

On the part of the House.

SMALL,  
REGAN,  
DUGGAN,

On the part of the Senate.

The report was read.

Senator Small moved to adopt the report.

Senator Sanderford moved as a substitute to reject the report and ask for a new conference committee. The motion prevailed by the following vote:

Yeas—9.

Collie.	Rawlings.
Fellbaum.	Sanderford.
Moore.	Stone.
Pace.	Woodul.
Poage.	

Nays—6.

Cousins.	Purl.
Duggan.	Regan.
Neal.	Small.

Present—Not Voting.

Beck.	Murphy.
Greer.	Oneal.
Holbrook.	Parr.
Hornsby.	Russek.
Hopkins.	Woodruff.
Martin.	Woodward.

Absent—Excused.

Blackert.	Patton.
DeBerry.	Redditt.

The Chair appointed the following on the part of the Senate:

Senators Moore, Collie, Woodruff, Fellbaum, Stone.

#### Senate Simple Resolution No. 27.

Senator Purl sent up the following resolution:

Whereas, Hon. H. E. Wassell, at this time County Attorney of Winkler County, and a former member of the House of Representatives of Texas, and for a time employed in the Government service on the Canal Zone, Panama, is at this time an applicant for District Attorney, United States Court for China, at Shanghai; therefore be it

Resolved, That the Senate of Texas recognizes the sterling worth of Mr. Wassell, and commend him as being worthy of the high office for which he now aspires.

PURL,  
POAGE,  
REGAN.

Read and adopted.

**Committee Appointed.**

The Chair announced the appointment of the following members of the committee provided for by H. C. R. No. 7:

Senators Murphy and Hornsby.

**Notification Committee.**

On motion of Senator Woodruff, the Chair appointed the following committees to notify the Governor and the House that the Senate had completed its labors and was now ready to adjourn:

To notify the Governor: Senators Poage, Sanderford, and Fellbaum.

To notify the House: Senators Woodruff, Regan, and Duggan.

The committees appeared at the bar of the Senate and Senators Woodruff and Poage reported that the respective committees had performed their duties.

**Pages Excused.**

On motion of Senator Oneal the pages were excused.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 10.	H. B. No. 196.
H. B. No. 105.	H. B. No. 17.
H. B. No. 31.	H. B. No. 54.
H. B. No. 146.	H. B. No. 90.
H. B. No. 84.	H. B. No. 79.
H. B. No. 88.	H. B. No. 112.
H. B. No. 56.	H. B. No. 64.
H. B. No. 120.	S. B. No. 69.
H. B. No. 116.	S. B. No. 70.
H. B. No. 123.	H. B. No. 141.
H. B. No. 203.	H. C. R. No. 33.
H. B. No. 195.	H. C. R. No. 31.
H. B. No. 40.	H. C. R. No. 73.
H. B. No. 199.	

**Committee From the House.**

The Chair recognized the door-keeper who introduced a committee from the House. Mr. Walker informed the Senate that the House had completed its labors and was ready to adjourn sine die.

**Sine Die Adjournment.**

On motion of Senator Rawlings, the Senate, President Pro Tem. George C. Purl presiding, at 12 o'clock midnight, adjourned sine die.

**APPENDIX.****Petitions and Memorials.****MINISTER OF AERONAUTICS.**

Rome, November 4, 1933 -XII°  
Gentlemen:

Your Senate Resolution No. 12 of your most important State as proposed by Senator Walter Woodul of Houston, made on October 2, 1933, to officially celebrate October 12th, the anniversary of the discovery of America by Columbus, is at hand.

At the same time I wish to thank you for so graciously having favorably mentioned the accomplishment of the flight of the Italian Air Armada from Italy to the Century of Progress Exposition.

I am pleased to confirm to you that all of Italy is deeply grateful for the unforgettable reception given us by the American people.

Most cordially yours,

(Signed) ITALO BALBO.

Mr. Bob Barker,

Secretary of the Senate for the State of Texas,  
Austin (Texas), U. S. A.

**THE WHITE HOUSE.**

Washington, October 23, 1933.

My dear Mr. Barker:

The resolution adopted by the Senate of the State of Texas, in the interest of Mr. Adam R. Johnson, has been received and I have brought it to the attention of the President. By his direction, it is being referred for the consideration of the officials of the Department of Justice.

Very sincerely yours,

(Signed) LOUIS McH. HOWE.

Secretary to the President.

Bob Barker, Esq.,  
Secretary of the Senate,  
Austin,  
Texas.

(Telegram.)

1933 Oct. 26, P.M. 6:12

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Hon. Bob Barker, Secretary of Senate  
Austin Texas

I appreciate the great honor that was done me in the Senate resolution joining in the invitation to me to come to Texas on November 10 to address the advertising convention at Fort Worth Stop At present it

seems impossible for me to be in Texas on that date and I therefore most regretfully decline. Should circumstances so develop as to make it possible I will of course advise you before the convention but I see little chance of it.

HUGH S. JOHNSON  
Administrator.

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 97 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 70 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 32 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 101 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 33 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 103 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 28 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 44 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 80 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 50

carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 52 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 85 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 24 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 48 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 98 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 94 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 113 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 67 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 25 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 26 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 19 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 27 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 21 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 57 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.



Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 35 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 75 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 54 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 46 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 78 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 8.	H. B. No. 168.
S. B. No. 17.	H. B. No. 183.
S. B. No. 42.	H. C. R. No. 26.
S. B. No. 112.	H. C. R. No. 32.

Have had the same under consideration, and I am instructed to report said bills and resolutions back to the Senate with the recommendation that they do not pass.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 116, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds warrants, time warrants, and treasury warrants heretofore issued or authorized to be issued and attempted to be issued by any and all cities in the State operating under charters adopted or amended under the provisions of Article 11, Section 5 of the Constitution of Texas, having a population in excess of One Hundred Thousand according to the last preceding United States Census, issued and attempted to be issued under authority of House Bill No. 312 of the Forty-second Legislature, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 207, A bill to be entitled "An Act fixing the compensation of the county commissioners in every county having a population of not less than fifty-three thousand five hundred (53,500) nor more than fifty-four thousand (54,000) inhabitants according to the last preceding United States Census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of Twenty-five Million Dollars (\$25,000,000.00) for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FELLBAUM, Chairman.

